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THE ORGANIZATION AND  
PROCEDURE OF THE  
BOARD OF EDUCATION OF  
THE CITY OF NEW YORK

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BY  
LEWIS MAYERS, M. A.  
1913











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SUBMITTED IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS FOR THE DEGREE OF DOCTOR  
OF PHILOSOPHY, FACULTY OF POLITICAL  
SCIENCE, COLUMBIA UNIVERSITY

1913

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The University  
JUN 1911

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## PREFATORY NOTE.



This study of the organization and methods of the Board of Education of the City of New York was made under the direction of Professor Frank J. Goodnow of Columbia University, and Dr. Frederic C. Howe, Director of the People's Institute of New York City, in connection with the investigation into the status and procedure of the department of education made by them at the request of the Committee on School Inquiry of the Board of Estimate and Apportionment of the City of New York. The work has received their criticism and suggestion at every point. Dr. Frank P. Bachman, formerly Assistant Superintendent of Schools in Cleveland, and now connected with the Board of Estimate, also kindly read the manuscript and made many valuable suggestions. I desire to express my sincere thanks also to Mr. Burdette E. Lewis, of the executive staff of the president of the Board of Aldermen, as well for his helpful criticisms as for his courtesies in connection with the present publication.

LEWIS MAYERS.



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## Introductory

"The head of the Department of Education," declares the Charter (Sec. 108), "shall be called the Board of Education and shall consist of forty-six members."

By a subsequent section of the Charter (Section 1061) it is provided that these members shall receive no compensation and shall be appointed by the Mayor for a five-year term (twenty-two of them from Manhattan, fourteen from Brooklyn, four from The Bronx, four from Queens, and two from Richmond, their terms being so arranged that as nearly as may be the terms of one-fifth of the representation from each borough of the City shall expire each year). Each member of the Board may be removed by the Mayor at any time for cause, but before being removed must receive timely notice of the charges against him and a copy thereof, and is entitled to a hearing and the assistance of counsel.

Discussion of the wisdom of these provisions, with reference to the number, appointment and terms of the Board, is reserved for the conclusion of this part of the report.



## CHAPTER I. POWERS AND DUTIES

- SECTION 1. Legislative Powers.
- SECTION 2. Inspectorial Powers.
- SECTION 3. Administrative Powers.
- Summary

### Section 1. Legislative Powers

- a. Charter provisions.
- b. Limitations.
- c. Propriety of powers vested.

#### a. Charter provisions

The legislative powers of the Board of Education are not set forth at any one place in the Charter, but are scattered through a great many sections, and are granted in some cases only incidentally or by implication. In the following summary statement they have been divided under six heads, according to their character, though no such classification is recognized or indicated by the Charter.<sup>1</sup>

- 1. To determine the nature of instruction

(a) To decide what schools are to be established (Section 1069, Par. 1).

(b) "To change the grades of all schools and of all classes of the schools under its charge, and to adopt and modify courses of study for all schools," subject, however, to a veto by the Board of Superintendents, which can be overridden only by a vote of two-thirds of all the members of the Board of Education (Section 1084, as amended by Chapter 749 of the Laws of 1913, approved May 26, 1913).<sup>2</sup>

(c) To "approve, upon the recommendation of the Board of Superintendents, text books, apparatus and other scholastic supplies" (Sec. 1083).

<sup>1</sup> The Charter is redundant upon several of the points here involved. Where several clauses cover the same point only the broadest has been quoted.

<sup>2</sup> The full text of the section is as follows: "Section 1084. The Board of Education shall have power to change the grades of all schools and of all classes of the schools under its charge, and to adopt and modify courses of study for all schools. No such change or modification, however, shall be made unless such proposed change or modification is first submitted to the Board of Superintendents. The said Board of Superintendents shall thereupon within such time as the by-laws may prescribe and not less than forty days thereafter report thereon. In case such a report is adverse such change or modification shall not be effectual unless passed by a vote of two-thirds of all the members of the Board of Education."

2. To regulate the general conduct of the schools

(a) To "enact by-laws and regulations for the promotion and welfare and best interests of the public schools and public school system of the City in the matters committed to its care" (Sec. 1068).

(b) To "prescribe regulations under which schools shall receive children between the ages of four and twenty-one," such regulations not to conflict with the general school law of the State (Sec. 1056); and to approve regulations established by the Board of Superintendents "for the reception of pupils in the schools of the City, the promotion of pupils from grade to grade, from school to school, for the graduation from all grades of schools, and for the transfer of pupils from one school to another" (Sec. 1082).

3. To control the supervisory and teaching staff

(a) *Organization*.—To provide for the appointment of "such directors of special branches as it deems necessary" (Sec. 1079); and "to designate, on the recommendation of the Board of Superintendents, the kinds or grades of licenses to teach which may be used in the City of New York" (Sec. 1089).<sup>1</sup>

(b) *Qualifications*.—"To designate on the recommendation of Board of Superintendents the academic and professional qualifications required for each kind or grade of license, and the academic and professional qualifications required for services of principals, branch principals, supervisors, heads of departments, assistants, and all other members of the teaching staff" (Sec. 1089).

(c) *Salaries*.—"To adopt by-laws fixing the salaries of all members of the supervising and teaching staff," subject to important limitations.<sup>2</sup> (Sec. 1091, as amended by Ch. 902, Laws of 1911).

4. To control officers and employees not members of teaching and supervisory staffs

(a) *Organization*.—"To provide for the appointment of a chief clerk and such other <sup>3</sup> officers, clerks and subordinates as it may deem necessary for its administrative duties as are provided for by the proper appropriation" (Sec. 1067).

(b) *Salaries*.—"To prescribe the compensation of members of the Board of Examiners and their temporary assistants" (Sec. 1089).<sup>4</sup>

<sup>1</sup> This power is of greater importance than might appear, as upon its exercise depends the organization not only of instruction within the school, but of all external supervision and inspection, the clause "licenses to teach" having been interpreted in practice to authorize the creation of purely supervisory and inspectorial positions.

<sup>2</sup> They are (a) that no reduction shall be made in the salaries of persons holding positions on October 30, 1911. (b) That the salaries fixed shall be not less than certain stated amounts. (c) That no discrimination in salaries shall be based on sex.

<sup>3</sup> That is, other than the officers (Secretary, Superintendent of Buildings, etc.), whose appointment is specifically provided for by the Charter.

<sup>4</sup> These are the only employees of the Board, not members of the teaching or supervisory staff, whose salaries are not fixed by the Board of Estimate and Apportionment and the Board of Aldermen.



5. To regulate the finances of the department

(a) "To represent the schools and the school system before the Board of Estimate and Apportionment and before the Board of Aldermen in all matters of appropriations in the budget of the City for educational purposes"; and annually to "submit to the Board of Estimate and Apportionment an estimate of the moneys needed for the entire school system of the City during the next succeeding calendar year" (Sec. 1064).

The "estimate of moneys required for the entire school system of the City during the next succeeding calendar year" does not under present practice include any moneys for the erection of buildings or the acquisition of sites, a separate estimate for such purposes being presented to the Board of Estimate annually in the spring.

(b) "To administer all moneys appropriated or available for educational purposes," such money being appropriated chiefly by the fiscal authorities of the City and, to a slight extent, by the State.

(c) To establish rules and regulations for the administration of the retirement fund (Sec. 1092).

6. To determine school districts

(a) To divide the several boroughs every five years into forty-six local school districts, apportioned among the several boroughs in the same proportion as are seats in the Board of Education (Sec. 1087).

**b. Limitations on legislative powers**

While the legislative powers thus conferred are varied and extensive there exist several important limitations upon them, with respect to both educational policy and internal organization; and these must be given due weight in any attempt to fix the extent of the responsibility of the Board of Education for the management of the City's schools.

**1. As to educational policy**

In the first place the function of the Board with respect to several matters of prime importance in connection with school management was, apparently, intended by the Charter to be more conservative than creative. For, the Board can act in these matters only upon recommendation of the Board of Superintendents. Until very recently (May, 1913) the Board of Education did not have the slightest power to modify the course of study without the initiation and recommendation of that body. It could "establish schools," but could determine what should be taught in those schools only to the extent of vetoing proposals for change made by the Board of Superintendents. If the latter body were satisfied with the existing course of study, the Board of Education, notwithstanding its theoretical headship of the school system, was powerless to effect any change, however greatly desired.

The power of the Board of Education is still limited to that of veto,

it will be observed, in the determination of the kinds of licenses to teach which shall be used, and the qualifications required for such licenses, and also in the enactment of regulations regarding the reception, promotion, graduation and transfer of pupils. Yet, full power in all these matters, and certainly in the first, would seem to be fundamental to a complete control over the educational policy.

The possession by the Board of Superintendents of all power of initiation in the matter mentioned has constituted a serious limitation on the ability of the Board of Education to shape the direction of educational endeavor. It may be argued that the Board of Education possesses a measure of control over the Board of Superintendents, in that it exercises almost annually the power of election of one or more members of that body for a term of six years. The control thus granted is, however, in view of the important administrative functions of the Associate Superintendents, too weak and unsatisfactory to be of any significance. Even if it be found, as is indeed the case, that the Board of Education has, during the past decade, systematically reelected to office the members of the Board of Superintendents upon the expiration of their terms, the inference is not warranted that the attitude assumed by the latter body upon matters of course of study, kinds of licenses, etc., has had the approval of the Board of Education.

The Board of Education does not have the power to levy taxes, and has the right of demanding from the fiscal authorities annually for teachers' salaries only an amount which under present conditions is little more than sufficient to cover the salaries of teachers in elementary schools as at present conducted. The power of the Board to extend the activities of the schools in new directions, or to enter upon any educational policy requiring large expenditure, is therefore strictly limited by the financial allowances which the fiscal authorities of the City are willing to make for it.

## 2. As to internal organization

Serious limitations exist also on the power of the Board to create such an internal organization as it may deem best suited to the needs of the department, on either the business or the educational side.

(a) *Statutory*.—In the first place, the City Charter and the General Education Law of the State fix in more or less detail the administrative organization of the Board of Education.

The Charter of the City provides (Secs. 1067, 1079, 1089) for the following officers of the Board: on the business side, a secretary, a superintendent of school buildings, a superintendent of school supplies, and one or more auditors; on the educational side, a city superintendent of schools, eight associate city superintendents (who, with the city superintendent, constitute the Board of Superintendents), twenty-six district superintendents, directors of special branches, a board of four examiners and a supervisor of lectures.

In some instances the Board of Education may fix the number in the class of officers mentioned; but, as will be observed, the law in most cases provides for a certain number. The terms of the officers mentioned are, also, in the case of all but the secretary and auditor, fixed by the Charter at six years. Furthermore, other provisions regarding all of the officers mentioned, except the directors of special branches, make their appointment by the Board virtually mandatory.

Again, the General Education Law<sup>1</sup> of the State provides for the organization of the Permanent Census Board, and exempts it entirely from any control by the Board of Education.

Lastly, although as above pointed out the Board of Education is recognized by Section 1068 of the Charter as having the power to enact by-laws, rules and regulations for defining the duties of its officers, the powers of most of those officers are fixed in some detail by the law.

(b) *Fiscal*.—In the second place, the power of the Board of Education to organize its administrative force is limited by the budgetary powers of the city authorities. Section 1067 of the Charter makes it impossible for the Board of Education to appoint any "officers, clerks or subordinates" (other than those specifically authorized by the Charter) who are not "provided for by the proper appropriation." This limitation, when taken together with the power of the Board of Estimate and Apportionment and the Board of Aldermen to fix the salaries of employees of the Board of Education other than members of the teaching and supervising force, makes it impossible for the Board of Education to effect any important enlargement, or even readjustment of its administrative system, without the consent of the city's financial authorities.

In the light of these limitations it may not correctly be said that the Board of Education is entirely responsible for the present organization of its administrative staff, on either the business or the educational side. It cannot be denied, however, that that body must bear a large share of responsibility for existing conditions.

### c. Propriety of legislative powers vested

In examining into the question of whether the charter investment of the Board of Education, with the legislative powers above summarized, is well considered, attention should first be given to the exceptional organization of "the head of the Department of Education" (as the Charter terms the Board), as compared with that of the heads of other municipal departments.

The development of municipal governmental organization in the past few decades has been unmistakably towards the centralization of authority over each branch of administration in a single responsible paid expert, devoting his whole time to his duties. Yet almost all of the chief cities of the United States, even those which in other respects

<sup>1</sup> *Consolidated Laws*, Chapter 16, Section 650.

show the influence of the tendency mentioned most clearly, are in accord with the City of New York in entrusting the final authority in educational matters to a more or less numerous board of unpaid laymen, who devote but a small portion of their time and attention to their official duties.

The justification for such an exceptional, not to say anomalous, form of organization, in the government of the City of New York, is commonly declared by its advocates to lie in the existence in the work of educational government of peculiar elements. Doubtless, as most important among those elements, may be mentioned the intimate relation which the educational activities of the City bear to the welfare of every citizen—a relation more vital and more universal than that borne by any other municipal activity under normal conditions. Because of the character of this relation it is felt that final determination of the essential elements of educational activity—the formulation of the aim and basic characteristics of the several courses of instruction, and of the fundamental regulations governing the relations between teacher and pupil, should not be left wholly in the hands of professional school men, whose contact with the varied business and social environment of the metropolitan community must necessarily be limited. It is believed that a body of well-informed citizens can render valuable service by supplementing the pedagogical knowledge of the professional school man with experience gained in various walks of life and among varied elements of the city's population, and, with an opinion, fairly representative, presumably, of the matured judgment of the people.

Again, it may be pointed out that the scope of activities and functions entrusted to the department of "education" is much less clearly defined than is that of any other important department of municipal government. The educational authorities are continually being urged, both by the situations which confront them and by persons professing to represent important bodies of public opinion, to widen the scope and extent of the activities under their charge. Properly to evaluate and appraise the worth of the suggestions for innovation thus continually presented is, it may well be felt, a work of such difficulty, and involving a balance between so many and varied considerations of not only educational, but social and even economic policy, as to make it much more properly a subject for the legislation of representative citizens than for the administration of an educational expert, however capable. To present the matter from another angle, it may be said that the preparation of the budget estimates of almost all other city departments is almost wholly a work of arithmetical computation; while the preparation of the educational estimate may be a legislative work of high order.

The educational system of New York City demands, to an exceptional degree, continuous legislative, policy-making activity. The unremittingly rapid growth of the city, its incomparably varied and mobile economic life, the almost periodic erection within it of new and



large alien communities, all combine to necessitate in its educational government a state of flux, because of which the proper direction of the educational system with reference to the interests of the many and varied elements of its population calls unmistakably for lay counsel.

Still another element peculiar to educational government is to be found, it may be ventured, in the solicitude with which the welfare of the teacher, as compared with any other public employee, is commonly regarded. Whether rightly or wrongly, it is more or less generally felt to be a matter of prime importance that the teacher should be assured a reasonable compensation. It may further be felt that such assurance should not depend for its continuance upon the decision of merely political officials, who might thereby exercise a pernicious influence over the morale of the teaching force, but upon the determination of a non-political body, chosen presumably for its single-minded devotion to the good of public education.

Lastly, it may be pointed out that the business problems involved in financing most economically the educational system of so large and so mobile a city as New York are exceptionally difficult, and are, perhaps, more largely dependent for their best solution upon general social and business considerations than upon purely technical ones.

It is, therefore, not unreasonably felt that the intervention of laymen should be invoked in connection with the more important questions of educational finance and educational policy.<sup>1</sup>

If these general considerations, regarding the functions properly to be fulfilled by the Board of Education, are well considered, it will be of value to examine, in the light of them, the summary of the legislative powers of the Board, and the limitations thereon, above presented.

So viewed, those powers seem in the main consistent with the conception of the Board as primarily a legislative body just presented. The provisions enumerated touch upon every essential phase of legislative power with reference to education which can properly be entrusted to local authority.

With reference to the limitations on the powers granted, however, the provisions of the Charter seem at some points ill-considered. The limitation until recently in force upon the power of the Board to modify courses of study was, it would seem, inconsistent with the provisions authorizing the Board to decide, without the possibility of any control or check by the Board of Superintendents, what schools should be established and what schools the City should be asked to finance. An analo-

<sup>1</sup> It is not contended, of course, that the Board can be expected to pass intelligent judgment upon the detail of particular expenditures urged by its paid officers; but it may, without serious question, be affirmed that if the Board be active it can, by requiring periodical summary reports of expenditures and statistics, pass upon the wisdom of the general policies pursued; can determine, in the matter of site acquisition, for example, whether or not sites are being bought too far in advance of actual needs, and whether the data kept by its officers are suitable for developing required information as to the need of sites.

gous, though by no means equally important, inconsistency appears to lie in the limitations on the Board's power to determine the kinds of licenses to teach which shall be used, a power the fundamental character of which, as controlling the entire organization of both instruction and supervision, was above pointed out.

The view upon which this limitation, as well as that upon the Board's power to modify courses of study which until so recently obtained, were apparently framed and are still defended, regards the Board as not possessed of sufficient technical information and experience for the full exercise of the powers in question. It seems gratuitous to assume, however, in view of the past experience of the Board, that it is at all likely to attempt to over-ride the judgment of its educational experts on matters of pedagogical technique, or that it will use the power newly conferred upon it, or whatever additional power of similar import may in future be conferred upon it, in any other way than to direct the main currents of educational endeavor along channels clearly marked out by an informed and representative public opinion.

The limitations on the Board's power to shape its internal organization, above discussed, which arise out of the elaborate and detailed provisions of the Charter outlining the organization of the Board's business and educational administration, seem uncalled for. A greater concentration of responsibility in the Board, and a correspondingly greater flexibility in its administration, would be secured by the abrogation of all the Charter provisions in question, and the investment of the Board with full power to determine the number, tenure and duties of its administrative officers, both business and educational.

The propriety of the limitations imposed upon the Board's control, both over educational policy and internal organization, by the financial check exercised by the city's fiscal officers, has already been discussed in the preceding part of this report.

## **Section 2. Inspectorial powers**

- a. Appointment of chief officers.
- b. Removal of chief officers.
- c. Power of investigation.

The law also contemplates the exercise by the Board of a function of general surveillance and of appraisal of results—a function which, for lack of a better name, may be characterized as inspectorial. Several classes of power are conferred upon the Board by means of which this function may be exercised.

### **a. Appointment of chief officers**

The first power of the Board which may perhaps properly be classed as inspectorial in character is that of selecting its chief officers of ad-

ministration, on both the educational and business side. The Charter (Sec. 1089) empowers the Board to appoint the City Superintendent, the Associate and District Superintendents, the Board of Examiners and the Directors of Special Branches without the preparation of any eligible list (although certain educational and pedagogical qualifications must be possessed by appointees to these offices). So, too, following the apparent intent of the Charter, the Municipal Civil Service Commission has placed in the exempt class the positions of Secretary and Superintendents of Supplies and of Buildings. In the selection of these officers, the dominating factors in the administration of the entire department, the Board has thus a free hand. The far-reaching influence exerted by the Board in the exercise of this function needs no pointing out.

With respect to the Examiners, District Superintendents and Directors of Special Branches, the Board's power of selection is much more limited than in the case of the other officers mentioned; for it can appoint examiners only upon the nomination of the City Superintendent, and District Superintendents and Directors of Special Branches only upon the nomination of the Board of Superintendents. The question has recently been much discussed whether these limitations upon the Board's power of selection should not be removed.

Without entering into the moot questions of pedagogical administration, here involved, it may be pointed out that insofar as the change suggested is calculated further to concentrate in the Board the responsibility for the City's educational government, it would seem, on general considerations, to be desirable.

#### **b. Removal of chief officers**

The power of removal is closely related to that of selection; and it would seem that no inspectorial control can be adequate which does not permit the removal by the controlling head of any of the chief officers whom he has selected by some simple and expeditious procedure.

The Charter provides (Sec. 1067) that the Superintendents, Examiners, Supervisor of Lectures, Secretary, Superintendents of Buildings and Supplies, and Auditor—in short, all the chief officers of the Board—"may be removed for cause by the vote of three-fourths of all the members of the Board of Education." The effect of these provisions, under the law and practice, is to make removal possible only for serious delinquency or incompetence, and only after the formal trial of charges. The terms of most of the officers mentioned are fixed at six years, while no term is set for the Secretary and Auditor. If it should become apparent to the Board, within the first year after the appointment of such an officer, that he, while not positively inefficient, is yet not entirely suitable for the position in question, the Board would be virtually without any power of remedy. It would be obliged to permit the official to serve out his six-year term. If the Board is really the responsible "head

of the Department of Education," it is difficult to see why it should not, like the heads of all other city departments, have power to request the resignation of its chief officers, without the necessity for, or the implication of, positive inefficiency or neglect of duty. It is believed that the large body of watchful public opinion, which is incessantly focussed upon educational matters, affords a more than adequate assurance that the power so vested in the Board of Education would not be used for any but worthy ends.

### **c. Power of investigation**

The Charter (Sec. 1100) specifically empowers the Board "to investigate any subject of which it has cognizance, or over which it has legal control," including the conduct of any of its members or employees. For the purpose of such investigation, moreover, the Board may administer oaths, and, through the Supreme Court, compel the attendance of witnesses.

That the power of investigation and appraisal is one properly exercised by the Board, is thought to be hardly open to question. Without it the Board would have no means of measuring the effects of the legislative policies which it has enacted, or of judging the efficiency of the officers whom it has selected.

At the present time, however, the investigatory power of the Board is subject to several important practical limitations.

Investigations often lose much of their effectiveness when those whose work is to be scrutinized have received advance notice of the intended investigation. When investigations can be undertaken only upon the enactment of formal resolution by the Board, publication of such advance notice is, however, unavoidable.

Again, the enactment by the Board of a resolution calling for an investigation not infrequently casts a derogatory reflection upon the persons whose activities are to be made the subject of investigation. In view of the wide publicity which such a resolution is invariably given, members of the Board are doubtless deterred from moving for any investigation except upon the very best of grounds.

Lastly, under present conditions, almost the only method open to the Board in its work of investigation and appraisal is that of taking testimony. If the subject of investigation be at all an extensive one the limited time at the disposal of the members of the Board makes impossible any personal examination by them of details; while, in other cases, their lack of technical pedagogical equipment may furnish an equally effective bar to such personal examination. The Board has not, however, at its ready command, the professional and expert assistance which the exercise of its power of investigation and appraisal would thus seem to necessitate.

For these reasons it is believed that the full measure of the possibilities for good contained in the Board's power of investigation have



not been realized. Largely, doubtless, in consequence of the practical limitations described, the Board has made use of its power but rarely, and only with reference to matters whose investigation was very plainly necessary, if not, indeed, very loudly called for.

It is believed that the function of investigation and appraisal should be one of the constant and normal, rather than one of the exceptional functions of the Board. The peculiar difficulty in educational management of properly evaluating and appraising the results obtained, and of ascertaining, by any clearly visible signs, the general conditions prevailing, has already been pointed out in reports made to the Committee on School Inquiry by educational specialists. Only by continual investigation and examination can the Board hope to keep itself informed upon, and in touch with, the tremendous system with whose direction it is charged.

It is thought, then, that the investigatorial function of the Board of Education should be made capable of much readier, more flexible, and less formal exercise; that it should be rendered more efficient by the employment of professional and expert assistance; and that it should become a normal and continual function.

These ends, it is thought, can best be accomplished by the creation by the Board of a separate staff of experts, who shall devote themselves solely to the work of educational investigation and appraisal. Consideration of the proper form of organization and control of such a staff is presented elsewhere in this report.<sup>1</sup>

### **Section 3. Administrative powers**

- a. Powers vested by law.
- b. Additional powers assumed.
- c. Propriety of powers vested and exercised.

#### **a. Powers vested by law**

In the foregoing sections it was seen that the Board possesses large powers of legislation and inspection, with reference to the conduct of both the educational and the business administration of the department—powers which authorize it not only to regulate the conduct of its administrative officers in almost all classes of matters in as minute detail as it may deem desirable, but even to overrule their action in particular matters.

The regular exercise of administrative duties is therefore totally unnecessary to the maintenance of the full authority of the Board. It is, furthermore, inconsistent with that conception of the Board as a legislative body, which, the other powers of the Board already vested would seem clearly to indicate, was held by the framers of the Charter.

Nevertheless, the provisions of the Charter enjoin upon the Board

<sup>1</sup> Section 3. Summary of Main Findings and Recommendations.

the performance of a number of major administrative duties. It will be of value to consider not only the duties imposed, but also the extent to which they may be or have been delegated.

### 1. Duties Imposed

(a) *Appointment of Employees.*—In the foregoing section the power of selecting the chief officers of the Board, numbering not more than three score, was treated as inspectorial in character. The appointment of the remaining 20,000 or more employees of the department is, however, under the requirements of the law, made from eligible lists prepared by either the Municipal Civil Service Commission or the Board of Examiners, by means of competitive examination. Nevertheless, in accordance with the provisions of the Charter (Sections 1067 and 1090) appointments to all these positions, from highest to lowest, are made by the Board of Education in full meeting.<sup>1</sup>

(b) *Disciplining Employees.*—Closely related to the appointing power vested in the Board is that of inflicting disciplinary punishment upon its employees. The Charter provides (Sec. 1093) that "the findings of any committee appointed by the Board to hear charges against a teacher shall be subject to final action by the Board," and that "a vote of the majority of all the members of the Board shall be necessary to impose the penalty of dismissal." With reference to the non-educational employees of the Board, the Charter (Sec. 1067) makes mention of no other punishment than that of removal, which it provides may be imposed only by a vote of three-fourths of all the members of the Board.

(c) *Retirement of Teachers.*—A third administrative function with reference to its employees is imposed upon the Board by Section 1092 of the Charter, dealing with the retirement of teachers. Teachers may be retired only by a vote of the Board, and, under certain conditions, a two-thirds vote, taken only upon the recommendation of the Board of Retirement, is required.

(d) *Construction of Buildings, etc.*—With reference to the enormous amount of administrative detail connected with the erection and maintenance of school buildings, the only duty specifically imposed upon the Board is that found in Section 1073 of the Charter, which requires the submission to the Board, for its "approval," "all plans for new school buildings," and "for structural changes in old buildings." The Board is also empowered (by Sec. 1066) to "lease property required for the purpose of furnishing school accommodations, and to prepare and execute leases therefor."

<sup>1</sup> By Sections 1078, 1073, 1076 of the Charter, the City Superintendent is authorized to appoint his clerks, the Superintendent of School Buildings his borough deputies and the Superintendent of School Supplies all his subordinates. These provisions are not heeded in current practice, however, the employees mentioned being appointed by action of the Board in exactly the same way as are all other employees.

The section of the Charter dealing with the letting of contracts (Sec. 419) provides that contracts shall be let by the "head of department."

## 2. Possibility of Delegation

While at first sight it might seem that the administrative duties enjoined by the foregoing provisions are relatively insignificant in character, the complexity and tremendous size of the educational system render the amount of the administrative work involved in performing them so great that it would be out of the question for the Board as a whole to attempt to execute the great bulk of them in any deliberative manner. Consequently, it is of importance to consider whether the provisions of the Charter permit the Board to delegate any of its powers to its administrative officers.

That such a course is legally permissible, with reference to some of the matters mentioned, there can be little doubt.

(a) *Appointment of Employees.*—With reference to the appointment of clerical and administrative subordinates from lists of eligibles certified by the Municipal Civil Service Commission, the Charter merely provides (Sec. 1067) that the Board "may" appoint such employees, a provision which would seem to offer no obstacle to the investment of the bureau chief with full appointing power.

The charter provision relating to the appointment of the teaching staff from eligible lists prepared by the Board of Examiners (Sec. 1090) definitely requires that the appointment shall be by the Board, but it also provides that the nomination made by the Board of Superintendents (to whom is confided the power of selecting for each vacancy one of the first three names on the eligible list) shall be equivalent to appointment if the Board fails either to confirm or reject each nomination within forty days of its being filed with the Secretary of the Board. The Charter itself thus seems to contemplate the virtual exercise of the powers of appointment of members of the teaching and supervisory staff by the Board of Superintendents, subject to a veto of the Board within forty days.

(b) *Disciplining Employees.*—The duty imposed upon the Board of passing finally upon all cases of punishment of teachers and of dismissal of employees takes up a relatively small part of the time of the Board, and it is difficult to see how, without a change in charter provisions,<sup>1</sup> its duties could be delegated to any other authority, if, indeed, they ought to be; though, doubtless, consistency would seem to require that, in the Department of Education, as in all other city departments,

<sup>1</sup> In 1910 there was introduced into the State Legislature a bill (S. Bill 693) to do away with formal trial in the case of delinquent janitors and other employees; and the Board resolved in favor of its passage (1910 Minutes 621); but it is open to question whether even the present law requires more than a mere hearing to the employees discharged.

the power of removal for cause of merely clerical employees should be vested in the hands of the chief administrative officers.

(c) *Retirement of Teachers.*—The duties imposed upon the Board with reference to the retirement of teachers are virtually clerical in character, and it is difficult to understand why they were imposed upon the Board at all. It is equally difficult, however, to see how the Board could divest itself of them without a charter amendment.

(d) *Construction of Buildings, etc.*—Neither does it seem that under present provisions the Board could omit to act upon plans for new buildings. The execution of leases and the award of contracts, when awarded to the lowest bidder, could probably, however, be entrusted by it to the Superintendents of Buildings and of Supplies, with the signature of the President of the Board.

The duties of appointing teachers and employees, and of awarding contracts are, however, the only administrative duties imposed by the Charter which make any serious inroad on the time of the Board; and it has been seen that the first, and probably also the second of those duties could legally be delegated to the officers of the Board. It would seem then that the charter provisions would offer but few obstacles to an attempt on the part of the Board to free itself from the performance of almost all administrative detail, with the object of securing a maximum of time and attention for its legislative work.

The Charter has, in fact, itself provided a method by which the Board may obviate the necessity of passing in full meeting upon any of the administrative functions enjoined upon it; for it creates (Sec. 1063) an Executive Committee of the Board, composed of fifteen members, selected annually by the Board (and subject to recall at any meeting by a majority vote of the Board), upon whom the Board is empowered "to confer \* \* \* power to perform any of the administrative powers of the Board." By this charter provision there is thus made possible to the Board a dual organization—a small compact body of fifteen, for the complete transaction of administrative business, and a large body, almost three times as numerous, for the legislative and inspectorial work of the Board. If, then, legal objection should be taken to the partial delegation of administrative duties to paid officers, no obstacle exists to their complete delegation to the Board's Executive Committee. Plainly, then, the way lies open to the Board, by the use of one or both of those methods of delegation, to completely divest itself of all routine administrative duties, leaving itself free to devote its entire time to its legislative and supervisory work.

### 3. Extent of delegation

That such a course has not, however, been followed by the Board, would be clearly evidenced, if by nothing else, by the fact that the Board has failed to confer upon its Executive Committee any power



whatever. Its by-laws (Sec. 12) merely provide that the Board "may, by resolution, confer additional<sup>1</sup> administrative powers upon the Executive Committee, when deemed necessary to facilitate the transaction of business." But, aside from the annual investment of the Committee with power to perform all the administrative functions of the Board during July and August, the Board has only once or twice, since the adoption by the by-law in its present form in 1905,<sup>2</sup> deemed it "necessary to facilitate the transaction of business" by referring a single matter or class of matters to the Committee for action.

Still less has the Board delegated any of the duties imposed upon it to its paid officers, to its standing committees, or to its President.

#### **b. Additional powers assumed by the Board**

Not merely, however, has the Board failed to take any action whatever to divest itself of the administrative duties assigned to it by the law with which, because of their complexity and multiplicity, it is unable intelligently to deal; it has assumed innumerable additional administrative duties of a far more detailed character.

Not only does the Board in full meeting act to appoint teachers and clerks from eligible lists, as above described, but it acts also upon their promotion; any change in the salary of a clerk, or other employee, even if only temporarily employed, must come before it for approval; the applications of clerks, janitors and cleaners for leave of absence, even without pay, must be submitted to it; any change in the organization

<sup>1</sup> This word would imply that some power is conferred by another part of the section in which it occurs; but such is not the case.

<sup>2</sup> Under the By-Laws originally adopted, March 26, 1902, the Executive Committee was authorized to receive the reports of all standing committees and to take final action with relation to the following matters:

1. Proceedings for the acquisition of school sites already selected by the Board.
2. Award of contracts authorized by the Board.
3. Plans for new school buildings, additions and improvements thereto.
4. Leases.
5. Disposal of personal property.
6. Appointment, promotion and transfer, and recommendations regarding salaries of clerks and employees.
7. Suspensions of officers or employees pending trial.
8. Decisions of local school boards with respect to charges against teachers, except dismissals.
9. Lecture centers and appointments relating thereto.

The Committee was also required to report to the Board annually, in December, a plan for apportioning the General School Fund.

A recommendation for the repeal of this By-Law was made on December 23, 1903, and was under consideration by the Committee on By-Laws and Legislation until November 22, 1905. On that date (see Minutes 1905, page 2335) Section 12 of the By-Laws was adopted as it now stands, except for a later amendment regarding time of meeting.

Since this change in the status of the Committee it has been the practice to delegate to it each year, by resolution of the Board, the conduct of business during the interval between the second Wednesday in July and the second Wednesday in September. This resolution reserves to the full Board action relating to appointments of officers of the Board and of principals and teachers in day schools, and to increases of salaries.

of the teaching staff (such as the transfer of a teacher from one district to another, or the assignment of a teacher to a special duty), or in the administrative staff (such as the transfer of a clerk from one bureau of the department to another, or the assignment of a janitor to additional service), must also be passed upon by the Board. It acts not only as the Charter requires, to authorize the construction of a school building, but also to authorize the setting aside by the Superintendent of School Buildings of a sum for repairs from a fund specifically appropriated for the general purpose. Its approval is required for every slightest disposition of the property of the Department, such as the loan to a parochial or private school, or the sale for a few dollars of furniture and textbooks for which the Board has no further use.

Details of the educational organization and administration, too, require its action. Having decided to establish a given number of night schools, or summer schools, or lecture centers, or classes for anæmic or backward children, it does not leave final decision as to the location of those schools in the hands of the several superintendents of those activities, but requires their judgment to be submitted to it for approval; and the same holds good for the discontinuance of any such school or activity. If the Board of Superintendents decide that, in the interests of economical administration a certain branch school should be annexed to one main school, rather than another, or that certain unused rooms in an elementary school should be used for the overflow of an adjacent high school, their decision must be submitted to the Board for approval; a principal, desiring to award medals or prizes to his pupils, or to hold a prize speaking contest, or to have a school paper issued, or to conduct an athletic meet outside the school premises, or to have some of his pupils make a public appearance at an outside function, must first obtain the formal permission of the Board in regular session assembled.

In short, nothing could be clearer, even from merely a cursory comparison of the minutes of the Board with the charter provisions, than that the Board, far from attempting to rid itself of any of the administrative burdens imposed upon it by the Charter, has added to that burden tremendously. Moreover, the possibility of any relief without definite and radical action by the Board itself is made impossible by a by-law (Sec. 13, Subd. 14) which makes it incumbent upon every standing committee to report to the Board for its action "any matter regarding which a report is required by by-law, resolution, or practice of the Board."

Some idea of the enormous mass of administrative, not to say clerical, detail, which comes to the Board for action, may be gained from the following figures, obtained by a careful examination of the index of the minutes of the Board for 1911.<sup>1</sup> They are designed to show

<sup>1</sup> Published April, 1913. The 1912 index could not be made use of for this purpose as at the present writing (May, 1913), we are informed that it is not yet complete in manuscript form, and that it is not possible to state when it will be ready for publication.

every kind of action taken by the Board during that year (mere formal expressions, such as resolutions of thanks or sorrow, and actions concerning the conduct of the meetings of the Board being omitted) and the number of items passed on in each class.<sup>1</sup>

**Table Showing All Classes of Actions Taken by the Board of Education During the Year 1911, with the Number of Items Considered in Each Class**

LEGISLATIVE. (a)

1. General.

Amending By-Laws		
by creating and abolishing teaching positions and fixing qualifications therefor .....	20	
by fixing salaries of teaching positions .....	10	
in other respects .....	21	
Establishing evening trade schools .....	1	
Passing on changes in course of study .....	6	
Taking action on pending or desired legislation (State or municipal) .....	9	
Instructing Board of Examiners re merging of eligible lists .....	1	68

2. Financial.

Adopting annual departmental estimate .....	1	
Requesting corporate stock issues (inc. corporate stock estimate 1911-12) ..	10	
Requesting special revenue bond issues .....	13	
Apportioning the General School Fund .....	1	
Requesting transfers of funds .....	40	65
Total .....		133

INSPECTORIAL. (a)

Selecting officers (District Superintendents and Examiners) .....	4	4
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ADMINISTRATIVE.

1. Financial. (b)

"Appropriating" funds for payment of contracts already awarded, for additional necessary work, for necessary repairs, etc. ....	370	
Setting aside funds for expenditure by Buildings Committee .....	39	
Approving bills for necessary repairs .....	10	419

<sup>1</sup> The number of items under some classes corresponds only approximately to the number of resolutions actually passed by the Board, inasmuch as in some cases, i. e., minor repairs, several items which appear separately in the Index are embodied in one resolution; while in others (i. e., appointment of teachers) the separate names involved are not indexed separately and there is thus but one entry for what is really a great number of actions.

(a) and (b) See explanation at end of table.

## 2. Buildings and Supplies.

Approving plans (c) .....	135	
Leasing premises (c) .....	30	
Selecting sites (c) .....	9	
Awarding contracts (to lowest bidder in all but two cases) (b) .....	236	
Loaning discarded furniture (b) .....	38	
Relinquishing control of buildings no longer needed (b) .....	5	
Authorizing separate publication of drawing syllabus (b) .....	1	
Requesting paving of street (b) .....	3	457

## 3. Teaching and Supervisory Staff.

Disciplining (passing affirmatively or negatively on charges preferred against, and imposing dismissal, transfer, fine or reprimand) (c).....	21	
Appointing from eligible lists (b) .....	273	
Promoting from eligible lists (b) .....	15	
Excusing absences not excusable by by-laws (b) .....	62	
Granting leaves of absence for purposes not covered by by-laws (b).....	28	
Retiring (b) .....	170	
Transferring (b) .....	86	654

## 4. Other Employees (Clerks, Janitors, etc.) (b)

Appointing from Civil Service lists .....	162	
Promoting .....	39	
Accepting resignations .....	69	
Excusing absences .....	10	
Granting leaves of absence without pay .....	21	
Granting vacations .....	54	
Disciplining (suspending and dismissing) .....	7	362

## 5. School Organization. (b)

## Special Schools, Activities or Classes:

Opening in particular places .....	18
Transferring from and to particular places .....	5
Changing sessions of particular schools within by-laws .....	4

## Elementary Schools:

Organizing .....	11
Organizing annexes to .....	9
Consolidating and dividing .....	5
Abandoning .....	4

Temporarily enlarging clerical staffs of directors of special branches by assignment of substitute teachers .....	5
Same for particular high school .....	1

62

(b) and (c) See explanation at end of table.



## 6. School Conduct. (b)

Granting permission to school or school organization		
To hold public event outside of school building .....	22	
To hold public event inside of school building .....	5	
To publish a school paper .....	19	
To form a general organization .....	1	
Granting permission to principal of school		
To serve lunch .....	1	
To award medals or prizes .....	20	
To use rooms for a special purpose .....	10	
Granting permission to non-school organizations to use school buildings..	11	89
		<hr/>
		2,043
Total Legislative Acts .....	133	
Total Inspectorial Acts .....	4	
Total Administrative Acts .....	2,043	

*Explanation of Table.*

(a) The powers falling within this class are believed, as set forth in the subsequent section of this report, to be properly exercised by the Board as a whole.

(b) The powers in this class are believed to be of such a character as not to require the action of the Board as a whole, but merely that of administrative officers or committees of the Board.

(c) The powers in this class are believed to be of the same character as those in class (b), but are not capable of delegation to officers or special committees of the Board because specifically imposed upon the Board itself by the charter. They can, however, as above indicated, be delegated to the Executive Committee of the Board.

The total number of items under these several classes in the foregoing table, and their relative proportions, are as follows:

(a) .....	137	6%
(b) .....	1,848	85%
(c) .....	195	9%
	<hr/>	<hr/>
Total .....	2,180	100%

**c. Propriety of administrative powers vested and exercised**

In examining into the question of what legislative powers, if any, were properly entrusted to the Board of Education, inquiry was first made whether there existed in the work of educational government any peculiar elements which might be urged as making desirable the exercise of such legislative powers by unpaid laymen, rather than by professional educators or administrators.

Similarly, it now remains to inquire whether, in the daily administration of educational affairs, in the making of routine decisions on minor questions of personnel and organization, there exist any peculiar ele-

ments which may be urged as making desirable the intervention in such routine administration of a lay Board of Education.

That, in all the ordinary work of government, a single or few individuals are far more effective than a parliamentary body, and that a paid and permanent expert is more efficient than an unpaid layman, temporarily interested, and working only intermittently, are propositions fundamental to all present-day governmental organization.

Especially do they receive recognition, however, in the government of the City of New York. For the Charter which ordains that government, and which creates the Board of Education in its present form, is firmly grounded on the theory of the superiority of one-man control to Board control in all matters of administration, one of its leading features having been the substitution of a single commissioner for a board in some of the most important branches of the City's government, notably that of police. Both general considerations of economy and administrative efficiency, and the intent of the Charter would seem, then, to combine in urging that the Board of Education should concern itself not at all with the ordinary routine of administration, but should, saving to itself a full power to correct any abuse of authority on their part, entrust that routine wholly to its paid officers, unless peculiar elements requiring its intervention are found to exist.

No peculiar conditions of the character referred to are, however, to be found in the daily routine of the department. The work entrusted to the administrative officers of the department differs only in magnitude, but no whit in kind, from that entrusted to the administrative officers of other departments of the City. There is no important administrative question presented to them which cannot be duplicated in its essentials, even if not in its size, in one or another of the other municipal departments. On the whole, no more valid reason would seem to exist for the intervention of a lay board in routine educational administration, than in the routine administration of the Fire, Police, or Health Departments.

One exception to this general conclusion may perhaps readily be admitted. It has been already pointed out that the morale of the teaching force of the City is commonly regarded as of higher importance than that of any other large body of public employees. It is felt that urgent as is the desirability of preventing the establishment in any of the municipal departments of a political, or even a personal "machine" or "system," to which all employees must adhere on pain of unfavorable discrimination, demotion, or even dismissal, among the employees of no department would the demoralization attendant upon such a condition be fraught with such dire results as among the teachers and supervisory officers of the public schools. That the Board (which, by its tenure and mode of election, is likely to be non-political in character) being vested with power to review the disciplinary judgments of the higher supervisory officers, may furnish a valuable, though by

no means an infallible, safeguard against the establishment, or at least the flagrant abuse of such an educational "machine," seems fairly clear.

With this single exception, however, no reason is apparent why the intervention of the Board of Education should be invoked in any of those matters of routine administration, which in all other departments are performed by a single individual, whether a bureau chief or the head of the department. It is therefore recommended that immediate steps be taken by the Board to divest itself of as many as possible of the administrative duties now performed by it, by transferring them either to its officers or to its standing committees.

The argument for the abandonment by the Board of all administrative functions finds powerful support, as above indicated, in that provision of the Charter (Sec. 1063) which makes mandatory upon the Board the creation of an executive committee with power to perform the administrative duties of the Board. By failing to confer any powers upon this committee (except that of acting for the Board during the summer months) the Board has unquestionably defeated the intent of the Charter. We believe that steps should immediately be taken by the Board, looking to a compliance with the spirit of the Charter, by the delegation of all its administrative duties to its Executive Committee.

As above pointed out (see p. 129, *supra*) such a delegation of the administrative powers of the Board to its Executive Committee did, in fact, obtain during the years 1902-1905. The reason for its revocation was a feeling on the part of the members that, in the words of the then Chairman of the Committee on By-Laws and Legislation,<sup>1</sup> "they were not sufficiently informed of what took place before the Executive Committee, and it was stated that the Executive Committee, being called upon to explain its action, made really duplication of work." If the contentions above made regarding the proper functions of the Board are valid, however, there is no good reason why the members of the Board should have been informed, in any detail, of the purely routine actions taken by the Executive Committee. It should be remembered, further, that when this ground for objection was found, the consolidated Board of Education was an innovation in the City's government, its work was in large part new to most of its members, and had not yet fallen into its present routine channels.

In spite, therefore, of the fact that in recommending that the Board take steps immediately to vest in the Executive Committee all the administrative powers imposed upon it by the Charter, we are suggesting merely a return to the procedure of a decade ago, we believe our recommendation to be grounded both in reason and experience.

The Charter did not contemplate, however, the performance even by the fifteen membered Executive Committee of all the great mass of

<sup>1</sup> In a letter written by him to this Committee under date of April 11, 1913.

administrative business now performed by the Board as a whole, but merely of administrative duties of a major character, the chief of which are specifically imposed upon the Board by the Charter. We believe that the general considerations of economy, expediency, and charter theory, which were advanced as urging the divorce of the Board as a whole from all administrative functions, militate equally against the exercise by the Executive Committee, even though but one-third as numerous as the Board, of any but major administrative functions.

In the view which we take, therefore, the delegation to the Executive Committee of all the administrative powers now exercised by the Board should be but a first step, to be followed by the abandonment by the Executive Committee itself of the exercise of all those administrative functions whose execution is not by the Charter specifically imposed on either the Board or its Executive Committee. Whether such divestment should be in favor of the standing committees of the Board or of its paid officers is discussed in the chapter on the committee system.

### Summary

1. The legislative powers of the Board of Education should be strengthened by making more direct its control over educational policy and by removing the statutory provisions which limit its control over its internal organization.

2. The inspectorial powers of the Board should also be made more effective by the employment of professional assistance in the work of investigation and appraisal, and by making more readily available the power of removal over its chief officers.

3. The administrative functions of the Board, however, far from being augmented, should be almost wholly, if not wholly, abandoned.

While the Charter conceives of the Board of Education as a legislative and inspectorial body, with a relatively small Executive Committee performing the major administrative duties imposed upon the Board, the by-laws and practices adopted by the Board have imposed upon the Board itself the administrative duties intended by the Charter to be performed by the Executive Committee, and, in addition thereto, an enormous mass of routine administrative duties never intended by the Charter to be performed by either the Board or its Executive Committee.

The exercise of these administrative functions by the Board as a whole is as repugnant to all principles of economy and expedition as it is inconsistent with the intent of the Charter.

Immediate steps should be taken by the Board to divest itself of all administrative functions not imposed upon it by law beyond the possibility of delegation. Furthermore, the Charter should be so amended



as to relieve both the Board and its Executive Committee (which is also too large for efficient administration) from the legal necessity of performing any administrative work, leaving to the Board the power to provide for the performance of such work as it may deem best.

In the above discussion, on the one hand larger power for the Board is urged, yet, on the other, it is pointed out that in its assumption of routine duties the Board has not wisely used the power already vested in it. The inconsistency between these two positions is, however, more apparent than real.

The recommendations made must be considered as a whole, and not independently. It is believed that the very limitations on the Board's legislative and inspectorial powers, which it is here urged should be removed, have in themselves been largely responsible for the Board's apparent unwisdom in its assumption of minor administrative functions. A body whose powers in most directions are severely limited naturally tends to develop as fully as possible any power which is vested in it without limitation. Again, experience warrants the belief that, if the Board's control over its administrative affairs, through its powers of legislation, investigation, selection and removal, were made more direct and complete, there would be a greater willingness on the part of that body to entrust to those officers final power over the ordinary routine of administration.

Furthermore, what has been presented is, it is believed, a consistent conception of the proper functions, legislative, inspectional and administrative, of a lay board of education in the City of New York, but not of the Board of Education as at present organized. The existing form of organization of the Board, and the methods of transacting business which almost necessarily result from it are, it is pointed out in the succeeding chapters, such as to render it very questionable whether any additional powers can efficiently be exercised by that body while so organized. The suggestions herein presented, with reference to the proper powers of the Board, can justly be appraised, therefore, only in the light of the recommendations presented in a later chapter, regarding its proper size and form of organization.

## CHAPTER II. MEETINGS OF THE BOARD

- SECTION 1. Time of meetings; attendance of members.
  - SECTION 2. Preparation of business for Board's action.
  - SECTION 3. The Board in action.
- Summary.

### Section 1. Time of meetings; attendance of members

A stated meeting of the Board of Education is held every second Wednesday, between the second Wednesday in September and the second Wednesday in July,<sup>1</sup> at 4 P. M. Occasionally, but not often, special meetings are held, either upon resolution of the Board itself, or upon the written request of ten members.

Though the by-laws require the meetings of the Board to begin at 4 o'clock, in practice they seldom begin till 4:30.<sup>2</sup> Adjournment is usually voted at about 6:30, often earlier, seldom later; and, indeed, prolongation of the meeting even until 6:30 doubtless inconveniences seriously not a few of the members, as evidenced by the fact that at about 5:45 o'clock members usually begin to leave the meeting. It may be questioned whether, if the Board concerned itself only with the matters appropriate to its character, as indicated in the preceding division, and if a large part of the information upon which it acts were presented to its members before their assembling, as recommended below, even an hour and a half fortnightly might not be ample for its deliberations. If, however, it should be insufficient (as, under present conditions, it unquestionably is), it is worthy of consideration whether the evening would not be a more suitable time for meeting than the late afternoon. A meeting called to order at 7:30 could last probably until 11:00 without disturbing the daily arrangements of any of the members, and without the members feeling, therefore, any desire to rush business merely in order to get home. It is also to be considered whether the holding of meetings at that time might not tend to encourage greater interest in the work of the Board on the part of a large body of citizens who at present are denied the possibility of seeing the

<sup>1</sup> Between the second Wednesday of July and the second Wednesday of September the administrative functions of the Board are exercised by its Executive Committee. (See p. 129, *supra*.)

<sup>2</sup> The minutes record the time of opening as 4 P. M., irrespective of the actual time.

(Note.—Since the above was written, February, 1913, there has been a marked change in this respect, the meetings being called to order almost promptly at 4.)

Board in session. The experience of Boston, where the School Committee holds its meetings ordinarily in the evening, would seem to indicate the desirability of the change suggested.

The attendance of members at meetings at the present time is, on the whole, fairly regular, considering the large membership of the Board. An examination of the records for the year 1910, and for the first four months of 1911, covering thirty-four meetings in all, shows a total of 325 absences out of a total possible attendance of 1,553, that is, absences to the extent of about 21 per cent. of the maximum possible attendance, and an average of 9.5 absences per meeting.<sup>1</sup>

A large portion of these absences is, of course, attributable to a relatively few members of the Board, who, for one reason or another, attend its meetings very infrequently. In the first four months of 1911, in which were held eleven meetings, there were nine members who were absent from four or more meetings, three having been absent from four, three from five, one from six, and two from nine meetings, so that these nine members were responsible for 51 of the 92 absences during that period. It would seem that some more or less automatic method should be provided for by which the names of members regularly absent should be brought to the attention of the Board or of the Mayor for action. There seems no good reason why a member of an important public body should be permitted to absent himself from nine out of eleven meetings of that body without being obliged to render a very good reason for his absence.

## Section 2. Preparation of business for Board's action

- a. Preparation of calendar.
- b. Printing of reports, etc., before presentation.

The time available for meetings of the Board is necessarily very limited; and it therefore becomes urgently necessary that the information upon which the Board acts shall be placed before its members to as great an extent as possible, before they assemble, in order that as little as possible of the meeting may be consumed by the members in familiarizing themselves with the primary facts of the business before them, and as much as possible in real deliberation.

Whether placed before them prior to or at their meeting, furthermore, as much as possible of the information upon which the members of the Board act, and more especially the resolutions and by-laws which

<sup>1</sup> This computation was made from the roll-call printed in the minutes of each meeting, so that it takes no account of the appreciably large number of members who leave the meeting before adjournment, sometimes before the most important business of the meeting has been reached on the calendar; nor of the fact that some members whose names appear as present on the roll-call actually spend the major part of the meeting in the members' rooms adjoining the Board room, usually upon committee business, emerging only when they receive word that an important matter requiring their votes is up for discussion.

they enact (particularly when these relate to matters of legislative rather than administrative character) should be before them in writing. Regardless of the waste of time entailed by the oral reading of reports and resolutions (a consideration of great importance in the case of the Board of Education) the desirability of the members having before them in writing exactly what they are voting upon, and the facilitation of discussion thereby, are so obvious and so well recognized in the practice of all important legislative bodies as to require no demonstration.

If these criteria be well considered the present methods of presenting information to the members of the Board preparatory to their action are seriously defective. Substantially these methods are as follows:

**a. Preparation of calendar**

Matters requiring the attention of the Board come before it, either as communications, resolutions of individual members, or reports of committees. These are continually being received by the Secretary. On noon of Saturday before the Wednesday on which is to be held the meeting of the Board,<sup>1</sup> the Secretary makes up a list of the communications and reports received to date.

The order of listing is as follows:

- (1) Communications—(a) From officers of the Board, (b) from other public officers, (c) from other sources.
- (2) Matters laid over from previous meeting.
- (3) Reports of Committees (each report being usually accompanied by a resolution). Grouped by Committees, the order being that in which the Committees meet during the recess of the Board.
- (4) Resolutions of Committees (unaccompanied by report). Grouping same as for reports.
- (5) Resolutions of individual members.

This list, which is termed the calendar, is mimeographed by the secretary's office on Monday morning and mailed to each member of the Board on Monday afternoon, being therefore received by him on Tuesday morning.

Communications, reports, etc., received between after the closing of the calendar on Saturday noon, and before the opening of the meeting on Wednesday afternoon, are similarly listed in a supplementary calendar, which is distributed to the members of the Board at the meeting. The consent of a majority of the members present is required for consideration of matters appearing on this calendar.<sup>2</sup>

In no case is a communication or report given in full on the calen-

<sup>1</sup> Minutes 1911, p. 120.

<sup>2</sup> Formerly unanimous consent was required, but this was found to obstruct business and was changed in 1911. (See Minutes, 1911, pp. 120, 1551, 1650, 1696.)



dar, but only a very brief abstract, seldom running over four lines. Moreover, these abstracts are not always prepared with a view to making clear the real point of the matter abstracted, but only its general character.<sup>1</sup>

The chief reliance of the members of the Board for exact information on the matter in hand is therefore the reading of the report or communication by the Secretary. Such reading is by no means always entirely adequate to a proper understanding of the matter in hand.

#### **b. Printing of reports, etc., before presentation**

Especially does the inadequacy of oral reading appear in financial, statistical and legislative matters. The Board itself has realized this from time to time, having provided for the printing and sending to each member, previous to action thereon by the Board, of the annual departmental estimate and of the monthly communication from the City Superintendent, setting forth the attendance and registration of the schools of the City for the month past with comparative figures for the preceding year. In all other cases, however, the Board waits until the meeting, at which the matter is presented orally by the Secretary, and then, if it finds itself unable to deal intelligently with the matter in oral form, orders the Secretary to have the report printed and a copy sent to each member. This procedure necessarily delays the matter until the next meeting of the Board, usually two weeks hence, a delay sometimes highly undesirable. It is, furthermore, an exceptional procedure, and consequently one which no member cares to initiate without exceptionally good cause. It is not surprising, therefore, to find that the Board has not infrequently enacted resolutions of high importance, a close scrutiny of which would seem unquestionably to have been called for, merely upon an oral presentation by the Secretary.

As instances of this practice are cited the adoption of the report establishing summer continuation high schools in 1912,<sup>2</sup> the adoption in the same year<sup>3</sup> of the request for special revenue bonds to make possible increases in salary for 218 out of the 360 permanent clerical employees of the Board, the approval very recently<sup>4</sup> of several legislative bills making radical changes in the distribution of functions between the Board and the Board of Superintendents, or the City Superintendent, and the adoption, on March 12, 1913, of a \$7,500,000 corporate stock estimate. In short, the statement is apparently amply warranted that the Board not infrequently adopts resolutions of prime

<sup>1</sup> Thus, a report from the Committee on the Nautical School (presented on January 22, 1913) recommending the discontinuance of that school is listed in the calendar as follows: "No. 175 Relative to the discontinuance of the Nautical School," no indication being given whether the Committee reports for or against such discontinuance or merely reports progress in the matter; and it is doubtful whether a majority of the members present were aware in advance of the real nature of the report.

<sup>2</sup> Meeting of June 12, 1912. <sup>3</sup> Meeting of June 26, 1912.

<sup>4</sup> Meetings of February 26 and April 23, 1913.

importance without having before it in writing the language of the resolution or of the communication, report or other document to which the resolution may refer.

To remedy this situation (and, incidentally, to save much of the valuable time of the Board now consumed in the reading of reports by the Secretary, the clarity of which, moreover, is usually in inverse proportion to their length) would involve but little additional expense and trouble. Each communication of other than merely routine character, such as is now printed in full in the minutes of the Board (such as, for example, an opinion of the Corporation Counsel), and each report of a committee should, as soon as received, be printed and sent to each member of the Board, an equal number of copies being printed at the same time for distribution to the members at the ensuing meeting of the Board. The composition of this matter would, of course, be held by the printer for use in printing the minutes, and the additional cost, therefore, would be merely for a slight amount of make-ready, paper and press work.

This plan would have the further advantage that it would make possible the more speedy printing of the minutes of the Board. At the present time the printed minutes of a meeting are never in the hands of the Secretary before more than three weeks after the meeting; and an additional two days are required for their delivery to the members of the Board.<sup>1</sup> The members of the Board at their meeting are thus never able to have before them the minutes of the preceding meeting, which it is obviously desirable they should have; and occasionally they have not before them the minutes of even the second meeting preceding. It is hardly to be questioned that, with a better articulation between the Secretary and the printer, the time consumed in printing could, even under present methods, when not a single line is composed by the printer until after the meeting, be cut down considerably. Under the plan suggested, however, the bulk of the minutes would be in type, proof-read and corrected, before the meeting, and there would remain for printing merely the composition of the roll-call and special forms of action taken, and the make-ready. It should be possible under this plan for the minutes of a meeting to be in the hands of the members of the Board, and, indeed, of all those on the mailing list, within ten days after the meeting.<sup>2</sup>

This recommendation is believed to be valid, regardless of the continuance or discontinuance of the exercise by the Board of all the multitudinous administrative functions now performed by it. If, however, it should divest itself of them, as recommended in the preceding division of this report, the plan here proposed for printing would natu-

<sup>1</sup> This time could doubtless be shortened if the distribution to the members of the Board were made direct from the printer's office immediately upon the completion of printing.

<sup>2</sup> See Part III, Chapter VI.

rally, through the great reduction in the volume of business, become much more easily operable.

### Section 3. The Board in action

- a. As an administrator.
- b. As a legislative and inspectorial body.

It has been pointed out, in the preceding division of this report, that the Board of Education is, on the one hand, a body of large legislative and inspectorial powers, and, on the other, an administrative authority performing a multitude of routine duties; and it has been contended that the fulfillment of only the first class of functions properly inheres in the Board. Because of these distinctions it has seemed well, in examining the Board as a working machine, to consider separately its operations as an administrative functionary and as a legislative and inspectorial body.

Since the volume of administrative business is overwhelmingly greater than that of legislative or inspectorial business, it is the administrative work of the Board which chiefly gives form and color to its proceedings. Its work as an administrator will therefore be first considered.

#### a. As an administrator

1. Character of information used.
2. Character of consideration given.
3. Time spent in administrative business.

##### 1. Character of information used

All administrative acts of the Board come before it in the shape of recommendations from the several standing committees, to each one of which is entrusted the supervision of a branch of administration, either business or educational. That such recommendations are presented to the Secretary of the Board in writing, but to the Board itself orally, has already been stated.

It may be said that in general these reports, which form the sole basis of the Board's action, convey little intimation of the reasons or considerations underlying the recommendations made, even when the action taken is not called for by the ordinary routine of business, as, for example, the promotion of a clerk, or the designation of a particular school for the conduct of a special or experimental activity. In these cases, as in all others, the Board is merely informed by the committee that the committee recommends a particular action, or that it approves of the request made by the appropriate officer of the Board for such action. No private member of the Board can possibly exercise intelligent judgment on any of the matters so presented, unless he rises to

a question of information. To ask questions on any appreciable portion of a calendar containing, perhaps, 125 items, is, however, equally impossible.

## 2. Character of consideration given

Such being the case, it follows that intelligent action by the Board on its administrative business, is, at least under present methods of procedure, out of the question. It may well be argued, moreover, that the number of administrative items is so exceedingly large that no matter how fully the requisite information might be presented to the members of the Board, real consideration of them in the time at the disposal of the average Board member would be a physical impossibility.

It seems possible to state, therefore, that the matters of administrative detail coming before the Board are so numerous and, with insignificantly few exceptions, so petty, that it is obviously utterly impossible for any of the members of the Board, except the few having a committee or personal interest in it, to have any information upon a particular matter. The action of the Board in all this class of matters, constituting, as established by the table above presented, overwhelmingly the larger part of the business coming before the Board, must therefore of necessity be a purely perfunctory and pro forma ratification of the action of the several standing committees.

Of this conclusion the minutes of the Board furnish indubitable proof. A page by page examination of the minutes for six consecutive meetings in 1911,<sup>1</sup> for example, disclosed that there were reported by committees at those meetings a total of 348 resolutions. Of these all but five were adopted unanimously at the meeting at which they were introduced *without discussion*.<sup>2</sup>

A similar examination of the minutes for five consecutive meetings, late in 1912,<sup>3</sup> yields an equally decisive result, 192 out of 194 resolutions on administrative matters reported by committee having been adopted by unanimous vote and without discussion upon their first presentation. The evidence of these two sets of figures, chosen at random, could be duplicated by similar figures obtained from any part of the minutes.

The totally perfunctory character of the Board's approval of committee reports on routine administrative matters is also strikingly revealed by the practice which obtains at meetings of the Board of voting on a number of such matters as one. This is effected by one of the members moving that a given number of items on the calendar, designated by numbers, be acted upon as one. This motion being adopted,

<sup>1</sup> Meetings of July 12, September 13, 20, and 27, October 11 and 25.

<sup>2</sup> These five all related to matters of importance. None of the five was defeated. Three were adopted with a few dissenting votes and the other two laid over and subsequently adopted unanimously.

<sup>3</sup> Meetings of September 12, 18 and 25, October 9 and 23.



as many as ten or even thirty resolutions are enacted by one vote, usually without any of them being read by the Secretary. No record is made in the minutes of this procedure, and it is consequently impossible to present exact data as to its use. It was made use of at least once, however, at every meeting held during December, 1912, and January, February, March and April, 1913.

In not a few cases committees, being certain from long experience that the Board will exercise no revision of their action, take and complete important administrative steps, and later submit to the Board a motion requesting ratification of their action. The futility of such a procedure was strikingly exemplified at a meeting of the Board held December 26, 1912, at which the Committee on Special Schools requested ratification of its action in transferring one of the attendance officers of the Board to the Permanent Census Board. To the surprise of the committee, one of the members strongly objected to this transfer, and invoked the judgment of the Board upon it. The chairman of the committee, in opposing unfavorable action by the Board, advanced as the chief reason for his stand the fact that the transfer had already been complete for several days and could not now be cancelled without formal action on the part of the Municipal Civil Service Commission. The protesting member was consequently constrained to withdraw his objection.

With such perfunctory methods of procedure obtaining, it is not surprising that occasionally the Board passes a resolution handed up by a committee by mistake, in opposition to the real wishes of the committee, and that a formal rescision of the action taken is subsequently necessary.<sup>1</sup>

### 3. Time spent in administrative business

In spite of the fact that its action upon the great mass of petty administrative details that comes before it is thus absolutely perfunctory and pro forma, yet, because of the overwhelmingly numerical preponderance of such details in the total of matters presented to the Board (as established by the table in the preceding division), even such perfunctory action upon them consumes far the greater share of the time of the Board. Even when the process of "bunching" resolutions, above described, is freely employed, the great number of items involved, averaging at least 75 per meeting, makes the consumption of much time in the mere mechanical operation of approval inevitable, in addition to the time required for the reading of the resolutions and reports, necessary in many cases.

At none of the meetings held during December, 1912—March, 1913,

<sup>1</sup> At its meeting of January 8, 1913, the Board enacted a resolution (item 59 on its calendar) submitted by the Committee on Supplies; but later in the meeting the Secretary announced that that resolution had been introduced "inadvertently" and was of no effect. No record of this illuminating bit of procedure appears on the minutes.

were more than a half dozen or so of the items on the calendar of a class other than administrative routine. The total consideration accorded these items was not more than half an hour at each meeting, yet each of the meetings in question lasted at least two hours. If these meetings be taken as fairly representative it might be stated that the time devoted by the Board to the perfunctory enactment of resolutions regarding matters of routine administration which do not in their nature call for action by the Board, constitutes about three-quarters of the time spent by the Board in actual session.<sup>1</sup>

**b. The Board as a legislative and inspectorial body**

1. Effects of performance of administrative routine.
2. Character of legislative information used.
3. Character of consideration given.

**1. Effects of performance of administrative routine**

Except in the matter of amendments to its by-laws, the Board has failed to draw any distinction between, or to provide any different methods of procedure for, its routine administrative duties, on the one hand, and its legislative and inspectorial duties, on the other. Since matters of administrative routine greatly overshadow matters of legislation and supervision in volume, and in the time consumed by the Board for their transaction, the procedure and general character of action of the Board on the latter class of matters is inevitably largely influenced, if not, indeed, almost completely determined, by its procedure and manner of action on the former. In several important respects, this influence may be very distinctly traced.

**(a) Lack of time for legislative work**

First, and most obvious, is the fact that the time consumed by the Board in administrative work is so great as to leave an altogether inadequate amount of time remaining for its legislative and supervisory work. Making use of the estimate of distribution of time above made, it requires no argument to prove that half an hour fortnightly is an absurdly small amount of time for a body of forty-six to spend in legislating for and overseeing the educational system of the City of New York.

The inadequacy of the time available for legislative work is strongly

<sup>1</sup> The remedy recommended in this report for all the evils resulting from the performance by the Board of administrative acts is as already indicated the delegation of that performance to the paid officers or the committees of the Board. If, however, that recommendation be regarded unfavorably, the wasteful expenditure of time in perfunctory action on routine matters could still be obviated by a frank recognition that ordinarily the Board cannot and does not pretend to give any real consideration to these matters. If the reports of committees were printed in full and distributed to the members before the meeting, as above suggested, it would be practicable to consider every report and accompanying resolution as approved, unless negative action upon it were called for by a member. Thus only contentious matters would come before the Board for deliberative decision.



felt by not a few of the members of the Board themselves. Several months ago <sup>1</sup> there was introduced in the Board a motion directing the Committee on By-Laws and Legislation to "consider ways and means by which the calendar of the Board meetings can be made less cumbersome, through the elimination of matters that can be properly and more expeditiously attended to by the appropriate committees." <sup>2</sup>

A gentleman now and for some years past a member of the Board, and long the chairman of its Committee on By-Laws, has declared <sup>3</sup> that the abandonment by the Board of its functions of routine administration "would save a great deal of time and would leave the Board of Education more opportunity to discuss fully and freely many matters of importance upon which action is taken sometimes too hastily."

This utterly inadequate time available for legislative and inspectorial work is rendered still more inadequate because no regular machinery exists in the Board for giving precedence to such work over petty matters of administration. The order of listing items on the calendar, as already indicated, bears no relation whatever to their urgency or importance; and it is in their order on the calendar that items are normally considered by the Board. Any change in this order requires the initiative of some member of the Board, who, not unnaturally, will be unwilling, except in a very clear case, to place himself in the position of asking to have a matter in which he or his committee is particularly interested given precedence over matters entered by the members of other committees. Consequently, it may well happen that, by a mere chronological accident, consideration of a matter of high importance will be delayed till the fag end of a meeting, when some of the members have left and those that remain are, partially at least, disabled from giving the matter careful and thorough consideration because of their natural impatience to get home. That such a possibility is by no means purely imaginary was emphatically illustrated at the meeting held January 22, 1913. The calendar of that meeting contained 176 items, 126 of them being resolutions presented by committees. The first four of these resolutions had been laid over from preceding meetings and were of prime importance. Of the remaining 122, however (numbered 55 to 176), only the following have been found, after careful examination, to be of other than a merely routine character :

No. 134—Requesting the Board of Estimate and Apportionment to authorize the issue of \$57,960 corporate stock, as an additional amount, for the general construction, etc., of P. S. 115, Man.

Nos. 149-155—Reports from Committee on By-Laws and Legislation regarding salaries and qualifications of sundry teaching positions.

No. 162—Relative to the course of study in elementary schools (consideration deferred by request of committee, pending printing of report).

<sup>1</sup> Meeting of February 13, 1913, Minutes, p. 304.

<sup>2</sup> The motion was referred to the Committee on By-Laws, which has not up to the present writing (August, 1913) reported upon it.

<sup>3</sup> Hon. Robert L. Harrison, in a letter to the Committee on School Inquiry, April 11, 1913.

No. 175—Relative to the discontinuance of the New York Nautical School.

No. 176—Report of Special Committee appointed to confer with the Board of Estimate and Apportionment regarding two items in the budget for 1913.

Of the 122 new resolutions on the calendar then, these, which primarily demanded the deliberative action of the Board, were among the last forty. Every one of them, except No. 175, was unanimously adopted without discussion.

Of these items, furthermore, one of particular importance was, without doubt, No. 175, relative to the discontinuance of the New York Nautical School. While the resolution presented was merely a request upon the Legislature to make the maintenance of the Nautical School optional with and not mandatory upon the Board, the report which accompanied it definitely committed the Board to the abandonment of the school. Yet this resolution and report were next to the last item on the calendar. They came up for consideration at about 6:20 P. M. The chairman and a member of the committee on the Nautical School and one other member urged their adoption, speaking in all about seven minutes. There were several points in their addresses which so obviously called for question by one not familiar with the matter<sup>1</sup> that it is difficult to believe that all of the members of the Board present were thoroughly convinced. The lateness of the hour, and the great length of time required for a thorough threshing out of the issues involved combined apparently to discourage any member from prolonging the meeting by precipitating a discussion, and the resolution was consequently adopted unanimously, without any further deliberation. There can be little doubt that had this matter come up at the beginning of, or, at least, appreciably earlier in the meeting, the discussion and perhaps the action upon it would have been of a much more deliberative character.<sup>2</sup>

A similar instance can be cited from the meeting of the Board held on March 12, 1913. One of the most important items on the entire calendar was a report from the Committee on Buildings, presenting for adoption an estimate of the corporate stock required by the Board for the year 1913, involving a total of \$7,500,000, and aimed to supersede the corporate stock estimate adopted by the Board in 1912. Yet

<sup>1</sup> Thus the chairman of the committee stated that the commandant of the school believed the course of study in large measure inappropriate to the purpose of the school and unduly wasteful. This would seem automatically to suggest the question, not touched upon by any of the speakers, whether a radical revision of the course of study would not remedy most of the conditions upon which the argument for discontinuing the school was based.

<sup>2</sup> In this particular case the absurdity of having so important a matter placed at the end of the meeting was further emphasized by the utter waste of approximately a quarter of an hour earlier in the meeting by the reading in full of a report of the Committee on High Schools regarding the low standard of English speech obtaining among the population of the city—a lucubration which, while eloquent and pregnant with valuable suggestion, was utterly incapable of forming the subject of action by the Board, and could consequently have been perused by the members at their leisure when printed in the minutes of the Board.

this item came up for discussion in its regular order on the calendar after 5:45, when (as was revealed by the necessity of having thirty-one members present in order to adopt an amendment to the by-laws, which came up a few moments later) only twenty-nine of the members were present.

A fuller examination of the minutes of the Board would doubtless reveal a fairly large number of cases in which the failure to provide for the early consideration of important matters has resulted in a total failure on the part of a large portion of the members of the Board not only to discuss, but even to acquire any familiarity with the matter in hand.

The primary change recommended in this report, namely, the delegation by the Board of all but its primary legislative functions to its officers or committees, would without question effectually remedy the undesirable situation here described by eliminating all routine matters from the calendar. Even without such radical action, however, there seems no reason why some regular procedure may not be provided by which, without the initiative of any private member, important matters shall be given precedence on the calendar. The most simple method to effectuate this would probably be the constitution of a rules, or "steering" committee, which might be composed of the chairmen of the several standing committees with the President of the Board as chairman.

#### **(b) Lack of interest**

The second result of the presence upon the calendar of the Board of an overwhelming preponderance of routine matters in each of which no more than a few of the members can have any possible interest, is a loss of interest in the proceedings of the Board by its members. This is manifested alike in the conduct of those members who attend the meetings and those who frequently absent themselves.

Observation of a dozen successive meetings of the Board during the months December, 1912, to April, 1913, disclosed the fact that in every meeting of the Board there are long and well-defined periods in which the proceedings are, to all intents and purposes, a mechanical dialogue between the Secretary and the President, the former reading the resolutions presented, and the latter, after putting the question, usually without receiving any very audible response, declaring them adopted, the members meanwhile engaging themselves in private conversation with each other or with officers of the Board, or interested employees, or outsiders. With such a state of order prevailing, it is well within the bounds of possibility, not to say probability, for the Board to pass without any consideration whatever, under the impression that merely a routine matter is involved, a resolution which may be of high importance, either because of the particular matter involved, or because of the precedent which it sets. There is nothing to prevent such a



contingency except the alertness and conscientiousness of some private member, or perhaps of the President.<sup>1</sup>

There can be little question, moreover, that the failure of some of the members of the Board to attend its meetings with as great regularity as could be desired is partly, if not largely, due to the fact that those members know in advance that a large part of the time which they spend at the meeting will be occupied in utterly useless pro forma approval of committee reports, and to the fact that they have no assurance whatever that any one of the multifarious items on the Board's calendar is of a character requiring any serious consideration or deliberation. The brevity of the abstracts in which committee reports are summarized on the calendar sometimes makes it difficult, as above pointed out, to ascertain, even from a careful reading of the calendar (at best tedious and confusing) the exact nature of the matter to be discussed.

The conclusion seems warranted, therefore, that the excision of all routine administration from the Board's functions, as above recommended, would result in raising the level of interest taken by members in the proceedings of the Board. It is worthy, also, of consideration, whether the added dignity and importance which would come to the deliberations of the Board through such a change might not have the effect of making membership in the Board attractive to the type of citizen who, because of the heavy pressure of business or public duties, would feel his time too valuable for even a small part of it to be spent upon such matters of petty routine as now occupy so large a part of the time devoted to meetings of the Board.

### (c) Deference to committees

Still a third result of great importance may be pointed to as emanating from the presence on the calendar of the Board of so large a number of routine items. The action of the Board upon such matters is, and must be, as above demonstrated, wholly perfunctory, a mere pro forma ratification of the action of the committee under whose jurisdiction the matter comes. A perfectly natural and predictable result of this practice is the development on the part of members and committees of a feeling of diplomatic courtesy, which militates against real consideration by the Board of committee recommendations; a feeling that each committee is, within its own sphere, to all intents and purposes the Board itself; and a consequent resentment on the part of committee members toward any attempt by a member of the Board not on the committee to question its action or recommendation on the floor.

The degree to which this attitude is cherished by some of the members of the Board was strikingly revealed at the meeting of the Board

<sup>1</sup> Within the past few months (i. e., February-May, 1913) the President of the Board has on not a few occasions found it necessary to call to the attention of the house resolutions of moment which, but for his vigilance, would have been enacted pro forma.

held January 8, 1913. The Committee on Sites, having presented for adoption a resolution for the purchase of a particular site, a member requested that the committee present to the Board statistical information bearing on the necessity for such purchase. Upon the committee member having the matter in charge confessing his inability to supply such information at that time, the interested member requested that the matter be laid over until the following meeting, when such information might be forthcoming. This request seemed so unreasonable to another member of the Committee on Sites, and so at variance with the prerogatives of a member, that he moved that this member be appointed a committee of one to investigate and report to the Board the existence of any facts tending to justify his lack of confidence in the committee.<sup>1</sup>

In the presence of such a spirit as this a private member will hardly feel inclined to question the report of a committee merely because he is not convinced by the facts, or lack of facts, presented by the committee. Most members, certainly all those not of an aggressive turn, will accept without question the report of the committee, unless they have very good reason for not doing so.

The methods used by the Board in its perfunctory action upon the multitude of administrative trifles that come before it has then three definite effects upon its action in its legislative or supervisory capacity:

(a) The time of the Board which should be devoted to legislative or supervisory action is squandered.

(b) The attention which should be paid by the members to such action is dissipated.

(c) The spirit of inquiry and alert examination of committee recommendations, which should be characteristic of such action, is made almost impossible.

The joint result of all three of these conditions would seem to be that the Board fails to give proper consideration or attention to those large legislative and inspectorial matters, which, as above urged, constitute its main justification for existence. It remains to be considered whether the actual facts evidence that such a result has ensued.

## 2. Character of legislative information used

Before considering the amount of deliberation actually given by the Board to its legislative and supervisory business during a representative period, it is illuminating to examine into the nature of the information commonly presented to the Board (almost invariably, of course, in the form of committee reports) as a basis for its action with reference to such business. In this connection it is important to bear in mind that, whatever the adequacy of such reports in themselves, in all but a

<sup>1</sup>The Minutes of the Board make no mention of this motion, recording merely that "discussion" ensued. Minutes, 1913, p. 50.



very few cases they are, as above pointed out, presented to the Board only in oral form.

The reports usually presented by the Committee on By-Laws and Legislation, recommending that the Board express its approval or disapproval of pending legislative bills, would seem, in many cases at least, markedly inadequate in that they fail to present the actual language of the bill in question.<sup>1</sup> That the exact wording of a bill may often be of prime importance is, we think, hardly to be doubted.

Another class of matters, supervisory rather than legislative in character, upon which the reports usually presented to the Board would seem to be inadequate, is that of the disciplining of teachers. These reports merely state the verdict arrived at by the committee, and the action recommended, without any discussion of the evidence.

In the same category might be placed certain of the reports recommending the rejection of nominations to teaching positions made by the Board of Superintendents. It cannot be said that, as a general rule, the reason for such rejection is not adequately stated. At least one instance has been found, however, without any examination for the purpose having been made, in which a committee (that on Elementary Schools) recommended the rejection of a nomination without giving any reason whatever for the recommendation, the report being adopted by the Board without any question. It was only by repeated inquiry of several different officers of the Board that we were able to ascertain that the reason for the recommendation was that there was good reason to believe that the nominee was a married woman.<sup>2</sup>

It is perhaps, however, in its action on financial matters involving legislative considerations that the inadequacy of the information presented to the Board is most apparent. If there be one report rather than another which, it would seem without question, should be before the Board in such form as to bring out with the greatest possible clearness the various elements involved, that report is the annual budget estimate of the Department.

It has already been pointed out elsewhere in this report<sup>3</sup> that that document, as drawn up in 1912, did not at certain points present sufficient facts to justify the size of the estimates made. Entirely aside from their statistical validity, however, it is thought that the form in which the estimates were presented to and acted upon by the Board in that year was very imperfectly calculated to assist the members of the Board in evaluating the various proposals presented for enlargement and extension of activity. The information necessary for an intelligent judgment was, in some cases, buried beneath a mass of detailed figures

<sup>1</sup> A copy of each bill introduced into the Legislature affecting educational matters is now sent to each member of the Board immediately upon its introduction; but the bill may not be reported upon by the Committee on By-Laws until several weeks later, when the members have, in all likelihood, forgotten the wording.

<sup>2</sup> The case referred to may be found in Minutes, 1910, page 458.

<sup>3</sup> See Part I, Chap. IV.

having little if any legislative significance; in no case were the estimates of the cost of a projected enlargement of one of the activities of the Department collated in any one place, but were scattered under two, and, in some cases, three or four heads,<sup>1</sup> and the cost of enlargements in size of activities, as now conducted, was not, in the main totals, clearly distinguished from the cost of proposed innovations in the conduct of those activities. In short, it may be said that the extraction from the estimate of the facts upon which the action of the Board should have been based was a matter of some difficulty and considerable inconvenience.

Moreover, as of perhaps greater importance than any of the foregoing defects, it should be pointed out that there was not presented, in any part of the estimate, any information regarding the efficiency or success in the past of the activities for whose future maintenance the Board was asked to provide. In the absence of any independent officers of investigation, such as it has above been recommended should be employed by the Board, virtually the only information upon which the Board can estimate the value of the activities conducted by it is that contained in the reports of the City Superintendent and, still more, of his chief subordinates. Until 1912, however, these reports were laid before the Board only in the form of an abstract contained in the report of the City Superintendent, which was not, moreover, presented to the Board until several months after the adoption by it of the budget estimates. Even in 1912, when the original reports were laid before the Board, none was presented before the adoption of the estimate. As a result, the Board, in passing upon the estimate for the year 1913, had before it no careful and detailed report regarding the conduct of those activities of a date later than July 31, 1911.<sup>2</sup>

The facts given regarding the defectiveness of the estimates presented to the Board for consideration are believed strongly to indicate that there was very little expectation on the part of the educational and fiscal officers and committees who framed those estimates that the Board would give to them any very careful or minute examination.

The same may be said of the corporate stock estimate for the year 1911-1912, with tentative estimates for 1912-1915, presented to the Board February 6th, 1911.<sup>3</sup> That estimate proposed that the Board of Education ask for issues of corporate stock amounting in all to over \$45,813,000 and was therefore one of the most important items of business ever brought before the Board of Education; yet, in the words

<sup>1</sup> With reference to every activity the estimates are presented separately for salaries and for all other expenses because of the legal distinction between the General and Special Funds. In some cases the expenses for a single activity under the Special Fund are again separated under several heads, while, on the other hand, under a few heads (e. g., cartage of supplies), no attempt is made to estimate the distribution of cost among the several activities covered.

<sup>2</sup> Though the annual report is officially dated July 31, in practice it covers the summer activities which close about August 31.

<sup>3</sup> Minutes, pp. 217-238.

of a member of the Board,<sup>1</sup> "with only a minority of the recommendations is sufficient information given to enable a member of the Board of Education to form a judgment upon the necessity for a new building. In many cases no information at all is given; for example, on page 11 of the printed report<sup>2</sup> are requests for eight new buildings in the Borough of Queens without a single fact attached to show the necessity for any one of the buildings. On page 12 are six other recommendations equally destitute of supporting evidence. Furthermore as to sites, only round figures were given (namely, \$1,000,000 for each of the years 1911 and 1912 and \$500,000 for 1913, 1914 and 1915), without any basis whatever for the estimates being presented.

The substitute corporate stock estimate for 1911-1915 adopted by the Board March 29, 1911,<sup>3</sup> contained somewhat fuller information on several of the points above mentioned. Nevertheless, the information given was presented with a degree of clarity and fullness hardly adequate for any purpose other than to give assurance that the Committee on Buildings, which prepared the estimate, did not act entirely without a fact basis. The same may be said, though perhaps with less truth, of the information presented in connection with the corporate stock estimates adopted June 12, 1912, and March 12, 1913.<sup>4</sup> In none of these estimates moreover, was any adequate explanation given of the manner in which the committee had determined upon the order of urgency of the items presented.

Similarly, the resolutions adopted by the Board at its meetings of November 27 and December 11 and 26, 1912,<sup>5</sup> requesting immediate authorization of corporate stock for the construction of five new buildings, presented no adequate grounds for the urgency of the request. A statement of such grounds would seem, however, to have been imperatively demanded in view of the fact that all but one of the items for which immediate authorization on the ground of urgent need was requested had been reported by the very same committee in the regular corporate stock estimate a few months previous to be far down on the list in the order of urgency.

A still more striking and, because more a part of the routine of the Board, more characteristic type of report is that recommending that the Board request the issue of special revenue bonds for purposes unforeseen at the time of the preparation of the annual departmental estimate or to supply deficits in funds provided for at that time. No argument is necessary, we think, to prove that in every case in which the Board makes such request it should have before it a clear statement of the reason either why the purpose for which the request is made was not foreseen when the estimate was made, or, if foreseen and provided

<sup>1</sup> Hon. John Martin, in a memorandum submitted to the Committee on Finance, Feb. 15, 1911.

<sup>2</sup> 1911 Minutes, p. 225.

<sup>3</sup> Minutes, 1912, pp. 939-978; 1913, pp. 422-442.

<sup>4</sup> Minutes, pp. 939-979.

<sup>5</sup> Minutes, pp. 2103, 2186 ff, 2281 ff.



for, why sufficient provision was not made. Yet it is found, upon examination of the requests for special revenue bonds made during the years 1910 and 1911, numbering twenty in all, that in only four cases was there any attempt made at such an explanation.

A matter very closely analogous to that of the requests for special revenue bonds is a request for a transfer of funds. Here, too, what is involved is virtually a modification of the departmental estimate and, consequently, the same kind of explanation is plainly called for. Here, too, however, the Board seldom, if ever, has before it, as a basis for the request which it makes upon the fiscal authorities of the city, any adequate statement of the reason why the transfer is necessary. The reason usually stated by the Committee on Finance in its report recommending the request is merely that the fund to which the transfer is requested has been found inadequate and that the fund from which the transfer is requested has been found more than sufficient.

It thus happened that in 1911 no less than \$11,500 was by six successive transfers transferred from the fund "General Supplies—Lectures," which was but \$26,700 in all. Yet the form in which the reports recommending these requests were presented allowed of no indication of the total amount of transfers from the given fund to date nor of the proportion which such transfers bore to the whole fund, facts without which any real consideration of the advisability of the transfer or of the conditions which made it possible was out of the question.

In the matter of site selections, too, the information upon which the Board acts is hardly calculated to make possible any actual consideration by the Board. A report urging the selection of a site cannot, of course, well present any reason for the recommendation beyond the opinion of the committee, based upon first hand knowledge of the conditions. It can, however, and we believe it should, inform the Board as to how urgent or immediate the need for the particular site is, in order that the Board may control the general policy of site acquisition. Thus a report urging the selection of a particular site and stating that the present rate of increase of population warranted the belief that such site would become necessary within, for example, four years, could, wholly irrespective of the merits of the particular site selected, constitute a basis for discussion, by members of the Board entirely ignorant of that particular site, as to whether the figures presented did point to the probable need alleged, and whether, on general considerations, the acquisition of sites four years in advance of urgent need was advisable. We find, however, that in virtually no case of a site selection within the past three years has any such information been presented to the Board, the report of the committee usually stating merely that the committee has given attention to the recommendation of the Local School Board or the Board of Superintendents regarding the necessity of a site in a particular locality and accordingly recommends the selection of a particular site.

When, furthermore, the Committee on Sites recommends that the selection of a site already determined upon by the Board and for the acquisition of which proceedings have already been begun shall be rescinded, and another site substituted, fairly definite reasons should be stated for the change, designed to give assurance that the former recommendation of the committee was not made hastily or without a survey of all the factors involved. We find, however, that here too the reports of the Committee on Sites frequently fail to present information of this character.<sup>1</sup>

A most striking illustration is to be found in the report of the Committee on Sites presented May 11, 1910,<sup>2</sup> recommending the rescission of twenty-two site selections, of which one had been made only two months previously and eight others within only the preceding six months, upon the recommendation of the very committee which now urged the rescission of those selections. To point out that some explanation of the reason for such complete reversal of policy was called for under the circumstances would seem a work of supererogation. Yet the Committee on Sites presented its recommendation without any supporting reasoning whatever, and it was only after the report had been laid over at the request of some of the members, who were apparently not entirely satisfied with the Committee's statement, that the Committee, before the next meeting, amended its report by inserting therein a brief statement of the reasons which prompted it.<sup>3</sup>

Without, therefore, endeavoring to trace any relation of cause and effect between it and the conditions set forth in the preceding division, it may, we think, be stated that in general the nature of the reports presented to the Board by its committee on matters involving legislative and supervisory considerations is not such as to furnish a proper basis

<sup>1</sup> See, for example, reports of Committee on Sites, June 8 and December 14, 1910 (Minutes 1046 and 2148f), September 13 and November 8, 1911 (Minutes 1361 and 1652), June 26, 1912 (Minutes 1164). The last-mentioned report recommends the rescission of the selection of a site for which funds had already been authorized by the Board of Estimate and Apportionment, yet gives as the reason for its recommendation merely that it was reached "on further consideration."

<sup>2</sup> Minutes, 897.

<sup>3</sup> While it is here urged that reasons should be presented to the Board as a basis for its action, it must be confessed that on those occasions on which the Committee on Sites, for example, has presented to the Board a reason for its recommendation, the character of consideration given by the Board has hardly been such as to warrant the belief that much attention was paid to the reason given. In this matter of rescissions of site locations, for example, the Committee, on March 29, April 12, May 10 and June 4, 1911 (Minutes 494, 593, 753, 981), presented reports recommending the selection of certain sites in place of those previously selected by the Board upon its recommendation, giving as the reason therefor that upon consultation with either a local school board or a member of the supervisory staff of the Board or the Real Estate Appraiser of the Finance Department, the substitution had been deemed advisable. The question must certainly have presented itself to any member listening to the reading of these reports by the secretary why the advice of the several functionaries mentioned was not sought previous to the original recommendation of the Committee. So far as the minutes show, however, this question, if it did occur to any member, was not deemed by him of sufficient importance to warrant his questioning the wisdom of the Committee on Sites by propounding it.



for deliberation by the Board, even should the other elements entering into the conduct of the Board's business permit of such deliberation.

### 3. Character of consideration given

As the character of the information presented to the Board for its action is commonly of such a character that no deliberative action can be based upon it, we should expect that members of the Board who are called to pass upon these matters would attempt to amplify their information by asking questions of the several committee chairmen. A total absence of such interrogation may be taken, we think, in connection with matters of high legislative importance, as conclusively indicating that the action of the Board on such matters is not only not deliberative, but is wholly perfunctory. With a view to ascertaining the extent of such deliberation or interrogation upon the floor of the Board, upon matters of legislative and inspectorial import, the minutes of the Board for the years 1910 and 1911, and, to a certain extent for the year 1912, have been carefully examined. Inasmuch as no stenographic record of the proceedings of the Board is kept, it is, of course, impossible to measure with any exactness (except by personal observation, incapable of verification and necessarily so limited in extent as to be inconclusive), the amount of time actually spent by the Board in such deliberation, or to obtain an idea of the character of the discussion had. The minutes of the Board do, however, note wherever discussion of any kind is had upon a motion. It is, therefore, possible to state with positiveness the number of matters of a given class in which any discussion at all was had, and also the number of members who participated to any extent whatever in such discussion. It is to these questions that our examination of the minutes has necessarily been confined. The following table presents the result of our investigation:

**Table Showing Extent of Discussion and Division by the Board of Education on Selected Classes of Matters Reported to it During 1910, 1911, 1912**

<i>Class of Matters.</i>	<i>Total No. Acted on.</i>	<i>No. Dis- cussed.</i>	<i>No. Di- vided on.</i>	<i>No. of Mem- bers Dis- cussing.</i>	<i>No. of Votes Cast Against Report.</i>
<i>(1910, 1911 and 1912)</i>					
Expressing approval or disapproval of pending legislative bills, ordinances, etc. ....	22	3	2	11	17
Selecting sites for school buildings .....	21	1	1	3	1
Rescinding selection of sites for school buildings. ....	13	1	0	4	0
Requesting special revenue bonds .....	27	1	0	4	0
<i>(1910 and 1911)</i>					
Amending By-Laws regarding					
Salaries .....	19	5	0	22	0
Qualifications for positions .....	15	0	0	0	0
Other matters .....	32	3	0	21	0
Change in course of study .....	17	1	1	7	0
Requests for transfer of funds .....	37	1	0	8	0
Total .....	203	16	4	80	18

A few details regarding some of the matters expressed in the above table are illuminating. The two reports on legislative bills which were discussed had reference to the proposed revision of the city charter which was agitated in the Legislature during the sessions of 1910 and 1911. That rendered May 11, 1910 (Minutes, page 883 ff) was discussed at some length, while that rendered May 10, 1911, containing sixteen separate recommendations for amendment to the proposed charter, was discussed only on one point by two members of the Board not on the committee. Even their discussion is surprising, inasmuch as the recommendations of the committee were not before the Board in writing.<sup>1</sup>

A matter of great legislative importance which does not figure in any of the classes of the above table was a resolution adopted by the Board June 12, 1912,<sup>2</sup> authorizing the establishment of two summer continuation high schools. The failure of the Board to deliberate upon this matter is especially notable in that continuation high schools were a totally new departure in the educational system of the city, that the funds for their operation had been specifically denied to the Board by the fiscal authorities of the city in the preparation of the 1912 budget, and that the insertion of the item for such high schools in the estimate for that budget had also been made without any discussion whatever by the Board as a whole.

The lack of discussion of important committee reports with reference to policies of site acquisition in the years 1910 and 1911 has already been referred to.<sup>3</sup>

Of the financial matters falling within the figures above given, one may justify special attention. This was the resolution adopted June 26, 1912, requesting the issue of \$44,470 of Special Revenue Bonds,<sup>4</sup> for the purpose of increasing the salaries of clerical employees of the Board, and employing additional help. This resolution, it should be noted, called for increases in the salaries of not less than 218 of the 360 permanent clerical employees of the Board, of whom 15 were already receiving salaries of \$2,000 or over, the applicability to whom of the statement made by the Committee on Supplies in its report<sup>5</sup> that the increases urged were imperatively needed to prevent the impairment of the department's efficiency by the transfer of its clerks to higher salaried positions in other departments was, to put it mildly, open to question. It should be noted also that one of the increases recommended was for \$750,<sup>6</sup> and another for \$600, while not less than 24 of them were for sums of \$350 or over. It would certainly seem that recommendations for such unusually large increases, unusually large even for a regular annual estimate, but little short of extraordinary

<sup>1</sup> Minutes, p. 747 ff.

<sup>2</sup> Minutes, page 1009.

<sup>3</sup> See above, p. 155.

<sup>4</sup> Minutes, p. 1146.

<sup>5</sup> *Id.*, p. 750.

<sup>6</sup> Recommended for a clerk in the office of the City Superintendent then receiving \$1 650.

when made the basis of a request for the issue of special revenue bonds, should have called forth on the floor of the Board, even if not adverse criticism, at least pointed interrogatories.

Another very striking illustration of the absence of deliberation on financial matters of high importance, which occurred so recently as not to fall within the above tabulation, was given at the meeting of the Board held March 12, 1913. At this meeting the Committee on Buildings presented an estimate of the corporate stock requirements of the Board for the calendar year 1913, designed to supersede the estimate adopted by the Board in June, 1912.<sup>1</sup> Though considerable discussion was had with reference to the failure of the committee to include a vocational school item in this estimate, no discussion whatever was given to the order of priority or urgency of the thirty or more items in the estimate; and indeed no such discussion by the members of the Board was possible, since the report of the committee at this time existed only in the form of a typewritten copy filed with the Secretary of the Board, and was not before the members of the Board in any shape or form. It is worthy of note, moreover, that the estimate was adopted by the Board in spite of, and without heed to the protest of a single member that it was unjust to call upon him to vote upon so important a matter when he had absolutely no information upon which to act.

The perfunctory adoption of important budget estimates even when the estimate is before the Board in printed form is, however, by no means unusual. The corporate stock estimates for the years 1911-1912 and 1912-1913 were adopted<sup>2</sup> without any discussion whatever, and the regular departmental estimates for the same years were in no case discussed with reference to more than a few items.<sup>3</sup>

An examination of the table presented, and of the instances cited, when taken in conjunction with the facts presented in the preceding section regarding the inadequate nature of the reports presented to the Board, seems to us fully to warrant the statement that even upon matters of high legislative and financial importance, matters the proper disposition of which, after their full consideration by many minds, would seem to constitute the chief justification for the Board's existence, are, not only occasionally but as a matter of regular practice, passed upon by the members of the Board without any adequate consideration.

### SUMMARY

The conclusions reached in the preceding chapter on general considerations, regarding the wisdom of the Board's exercise of administrative as well as legislative powers, receive emphatic support from a study of the actual conduct of the meetings of the Board.

<sup>1</sup> Minutes, p. 422 ff.

<sup>2</sup> Minutes, 1911, p. 489; 1912, p. 939 f.

<sup>3</sup> Minutes, 1910, pp. 1505-6; 1911, p. 1405; 1912, p. 1719.

1. It is found that, in spite, or rather because, of the great mass of administrative business which it transacts, the Board fails completely to exert any real control over the ordinary administration of the department, or to exercise that unifying and interesting influence by which alone its intervention in administrative matters could in any case be justified.

2. At the same time, and very largely as a result of its attempted administrative activity, its legislative business is for the most part transacted without any serious attempt at deliberation or discussion.

3. The time consumed by the Board in its administrative business could be somewhat reduced, and the time available for its legislative and inspectorial activity correspondingly increased by the use of better mechanical methods of presenting information to the Board for action and by the adoption of by-laws designed to give precedence, in the order of consideration, to legislative and inspectorial business.

4. No very material improvement can be expected, however, from such measures. Only by the complete or almost complete divestment of administrative functions can the Board obtain the time, and retain the interest and the habits of mind which are essential to a proper consideration of its legislative and inspectorial business.



### CHAPTER III. THE COMMITTEE SYSTEM

- Section 1. Organization.
- Section 2. Powers and Functions of the Several Committees.
- Section 3. Efficiency of Committee System.
- Summary.

The importance of the part played in the administration of the Department of Education by the committees of the Board of Education is perhaps not generally appreciated. Even the evidence presented in the foregoing chapter, that the action of the Board even in matters of considerable weight is not infrequently confined to a more or less perfunctory approval of the action of its committees, fails to indicate the full significance of the rôle played by the committees. For, almost without exception, the committees are authorized by the by-laws to exercise functions and take actions which are never made the subject of report to the Board and which do not appear in the journal of that body. Most of the committees furthermore exercise extensive powers not specifically mentioned in the by-laws. In short, the statement may be made that a committee of the Board intervenes at some points in the performance of virtually every act of importance in the administration of the department and in many acts of no importance. Preparatory to any understanding of this intervention some account of the organization of these committees should be given.

#### Section 1. Organization

The organization of the committees of the Board of Education is determined by the Charter only to the extent of the provision for an executive committee of fifteen members which the Board is required (by Section 1063) to appoint annually in the month of July. All other committees of the Board are provided for by its own by-laws.

The history and present status, or rather, lack of status, of the Executive Committee have already been fully discussed.<sup>1</sup>

The by-laws make provision for fourteen standing committees in addition to the Executive Committee. Of these committees two only, that on by-laws and legislation and that on finance, exercise functions touching upon all parts of the educational system. Of the remaining twelve, four have each of them supervision over a particular branch

<sup>1</sup> See pp. 129, *supra*.



of the business organization, and seven others over particular branches of the educational organization (with an eighth, that on course of study and text-books, exercising a slight degree of control over the matters covered by its name in all the schools). On the educational side there are committees for elementary schools, high and training schools, special schools, nautical school, vocational schools and industrial training, lectures and libraries, and athletics. On the business side there exist a committee on supplies, one on buildings, one on sites and one on care of buildings.

A comparison of this scheme of committee organization with the scheme of educational and business organization prevailing among the paid officers of the department (which, in turn, as pointed out in a preceding chapter, is largely determined by the Charter itself), reveals clearly that the committee organization of the Board has been developed with the object of placing over each chief educational or administrative officer a separate committee. Though the form of organization of the Board of Superintendents and of the City Superintendent's office tends somewhat to obscure the fact, there exist in those offices what are virtually separate bureaus, one charged with supervision over high schools, another over vocational schools, still another over special schools; while lectures, libraries and athletics have each of them a specially appointed director or supervisor. Each of the chief business officers of the Board also, except the secretary, that is, the auditor, the superintendent of school buildings, the superintendent of school supplies and the supervisor of janitors—has a separate committee exercising supervision over him.

There is, of course, no complete separation between the functions of the educational and business officers. Their work comes into contact at many points, and therefore each committee in charge of an educational activity must from time to time have relations with the business officers and vice versa, but on the whole, the statement is warranted that each particular committee is to all intents and purposes a supervisor of a particular branch of the educational or business organization, and conversely that there is no branch of the educational or business organization which is not provided with a committee of the Board to supervise its conduct.<sup>1</sup>

<sup>1</sup> One important exception to this last statement should, however, be noted. There appears to be no provision for a committee which shall have supervision over the methods employed and the work performed by the Board of Examiners. To a certain extent of course the operations of that body come under the cognizance of the several school committees. The Committee on High Schools, for example, can doubtless properly take cognizance of the methods used by the Board of Examiners in the determination of fitness of candidates for positions in the high schools, even though no mention of that matter is specifically made in the section of the By-Laws defining the powers of that committee; and the Committee on By-Laws is sometimes called upon to render an opinion as to the propriety of a decision of the Board of Examiners on a point of by-law or statutory construction. Such cognizance or supervision must, however, necessarily be intermittent and confined to exceptional cases. The daily conduct of

Of the fourteen standing committees (not counting the Executive Committee) four have a membership of nine, and the remaining ten a membership of seven each, making, therefore, a total of one hundred and six committee memberships to be filled from the forty-five members of the Board (the President being ex-officio a member of all committees). This committee organization thus affords opportunity to one out of three members of the Board to hold a committee chairmanship, and for every member to hold membership in at least two committees.

The major business committees of the Board, those on Buildings, Care of Buildings and Supplies, as well as that on By-Laws and Legislation, meet regularly every week, those on Finance, Elementary and Special Schools every fortnight, those on High and Vocational Schools every month and the remaining committees (Sites, Studies and Text-Books, Lectures and Libraries, Nautical School and Athletics) only at the call of the chairman, holding no meetings, sometimes, for three or four months at a time. Business is prepared for the action of the committee by the clerk of the committee, who also, in the committees where business is heavy, compiles a calendar of the business to be transacted and furnishes each member of the committee with a copy thereof at the opening of the meeting.

The City Superintendent assigns to each committee an Associate City Superintendent to represent the Board of Superintendents before the committee. The regularity of attendance of this representative, and the importance of the part played by him, varies with the nature of the functions of the committee. In few cases, however, does he appear to function very significantly in the work of the committee.

The attendance of members of the committee themselves appears to be as regular as can reasonably be expected. An investigation covering the meetings of all the committees for the four months, January to April, 1911, disclosed absences to the extent of 26.6 per cent. of the possible maximum attendance. Of the ninety-six committee memberships then existing, the holders of twenty-nine memberships (numbering, however, only twenty individuals) had been absent from more than one-third of the total number of meetings held by their committees during the period mentioned. Those members who are frequently absent are not, however, commonly entrusted with much business, so that the rather large proportion of absences indicated does not interfere with the business of the committee as seriously as might be thought. The by-laws, it should moreover be noted, fix the quorum of all standing committees at three, irrespective of the size of the committee.

business by the Board of Examiners, and the determinations made by that Board in the regular course of business do not, as with all the other administrative officers of the Board, automatically come up for review before any committee of the Board, even though such determinations would seem in most cases to involve a larger degree of discretion, and even perhaps of legislative consideration, than the determinations made by any other of the administrative officers.

## Section 2. Powers and functions of the several committees

- a. Legislative.
- b. Inspectorial.
- c. Administrative.

Each of the business and educational committees is entrusted by the by-laws with general charge of the bureau or schools under its jurisdiction. In some matters it is given specific authority to take final action; and the by-laws provide that "the action of any Standing Committee shall be final, unless disapproved or modified by the Board" upon all matters except those "regarding which a report is required by by-law, resolution or practise of the Board, or upon any matter specially referred to it by the Board." The general effect of this by-law, as well as those governing the individual committees is, especially in connection with the committees in charge of business divisions, to permit of great expansion or contraction of the supervisory activity of a committee according to the inclination of its members to assume, and of the official concerned to divest himself, of the responsibility for final action. An examination of the minutes of each committee is consequently necessary for the determination of the extent of the powers actually exercised by that committee.

In discussing those functions it has been deemed advisable to follow the classification of functions as legislative, inspectorial and administrative which was adopted in discussing the functions of the Board itself.

### a. Legislative functions

1. Enactment of general regulations.
2. Control over content of instruction.
3. Control over budget estimates.

#### 1. Enactment of general regulations

The general regulations governing the conduct of the department are found either in the statutes, in the by-laws of the Board or in regulations governing particular branches of the department promulgated by the several committees in charge of them.

Proposals for modification of the by-laws usually originate with one or another of the committees vested with supervision over a special branch of the business or educational organization and are then referred by the Board to its Committee on By-Laws and Legislation.

The function of this committee in such cases seems to be chiefly to frame the proposed modification in proper form consistently with the rest of the by-laws, without considering in more than a very cursory way the advisability of the change proposed. Certain important modifications of the by-laws, however, as those affecting committee organi-

zation, the methods of doing business, and the general regulations affecting the conduct of all the schools, frequently originate with the Committee on By-Laws and Legislation itself, and in their formulation and presentation the committee doubtless exercises an important influence upon the Board's activities.

The Committee on By-Laws and Legislation is also the agent of the Board with reference to proposed or pending legislation, state and municipal. Educational legislation desired by the Board is framed by or at the direction of this committee. The Committee furthermore subscribes to a service at Albany which forwards to it (as well as to each member of the Board) copies of all bills introduced into the Legislature regarding educational matters. Each of these bills is carefully considered by the Committee and a report adopted for presentation to the Board committing the Board either to opposition to, or to support of, the proposed measure, and authorizing the Committee on By-Laws to take such steps as may be necessary to secure its defeat or passage.<sup>1</sup>

In formulating its opinion as to the advisability of the passage of proposed legislation, the Committee occasionally gives audience to delegations representing interested organizations. It does not, however, hold public hearings, even on measures of the highest importance, such as the group of bills known as the McKee bills, favorable action on which was recently taken by the Board. It is worthy of consideration whether a more representative expression of public opinion on the more important of the measures considered would not be obtained by the Committee through the medium of public hearings.

## 2. Control over content of instruction

The activity of the Board of Education in determining the content of the instruction given in the schools has in the past been severely limited by the provisions of the charter which vest all power of initiative in this matter in the Board of Superintendents. The activity of the several committees of the Board entrusted with consideration of matters in this class has naturally, therefore, been similarly limited.

Recommendations of the Board of Superintendents with reference to changes in the course of study are usually referred by the Board first to the committee having supervision over the particular class of schools concerned. That committee in turn, after taking action upon them, transmits them to the Committee on Studies and Text-Books.

The function of lay committees in this class of matters must neces-

<sup>1</sup> It has been pointed out in the preceding section of this report that in spite of the importance of these reports, their acceptance is in almost all cases as perfunctory as is that of reports upon matters of the most trifling administrative detail; and for this reason the present form of report in which the text of the bill is not given, and only the reasons supporting the Committee's recommendation (those, too, in very brief form) are presented, is doubtless justified; even though, if the Board were to take more deliberative action, the reports in question should, it would seem, contain not only full text of the bill, but a full statement of the reasons for and against its passage, irrespective of the Committee's recommendations.



sarily be confined to changes of a fundamental character. Within recent years few such changes have been recommended by the Board of Superintendents and it is therefore difficult to estimate the value of the contributions made by the committees. Examination of the minutes of the Committee on Studies and Text-Books for 1911 and the first three months of 1912 disclosed no matter of real importance that came before the Committee. Since that time the Committee has had under consideration a recommendation of the Board of Superintendents relating to a far-reaching change in the course of study for elementary schools; and, we believe, has given the matter careful and thorough consideration, having, furthermore, held public hearings upon it; but exact information upon the activities of the committee in this matter is not yet available.<sup>1</sup>

The propriety of the full consideration by committees of the Board (as indeed by the Board as a whole) of proposed changes in the course of study is not open to question; and we believe that, within the limited sphere of action in this regard hitherto open to the Board of Education, its committees have done their work well. It would seem, however, that even under the theory of committee organization at present obtaining in the Board, time and trouble would be saved, and better coordination between the several school courses secured if all matters relating to courses of study were vested in a single large course of study committee (which might, of course, have sub-committees in elementary schools, high schools, etc.), in place of having the present double-headed arrangement. In view of the large additional power just conferred upon the Board of Education in this matter, we urge special consideration of the advisability of the change suggested.

The Committee on Studies and Text-Books is charged with supervision over the so-called "Supply List" which contains the names of all text-books, and the description of all supplies, which the Superintendent of School Supplies is authorized to furnish to the schools. Here, too, the committee can act only on the recommendation of the Board of Superintendents and, in almost all cases, its action is necessarily purely perfunctory. While the Board should have power to control the character of text-books and supplies issued, such control would doubtless be adequately exercised if asserted only in rare and exceptional instances when distinct affirmative or negative action might be called for by large considerations of policy.

### 3. Control over budget estimates

The preparation of the annual departmental estimates of the Department of Education must be, as with all other departments, chiefly

<sup>1</sup> At this writing (May 1, 1913), the Minutes of the Committee on Studies and Text-Books are not available for consultation at the office of the Secretary, for any meetings subsequent to March 25, 1912, the clerk to that committee having not yet transcribed his stenographic notes of those meetings.



a work of statistical compilation. It presents, however, two features which involve legislative consideration to a much greater degree than in most of the other city departments. These two elements are: First, the difficulty of predicting in advance the school population for the coming year, and second, the continued expansion and innovation of educational activities of various descriptions. Impossible as committee intervention obviously is in the work of statistical compilation, it would seem that in revising the judgment of the educational officers of the Board, both as to the probable necessary expansion of the school system through the increase of population, and as to the development or expansion of special educational activities such as recreation centres, public lectures, etc., the judgment of committees of laymen might be of high value.

To determine the extent to which in the past the committees of the Board have actually exercised any control over, or attempted any revision of the judgments of the officers of the Board is next to impossible. The only evidence available to us has been an examination of the action of the committee upon the recommended estimates submitted by the several officers of the Board. Such an examination has been made with reference to the annual estimate for the year 1912, without discovering any instance in which the action of the committee effected any radical or even significant change in the estimate submitted by the business or educational officer involved.

The estimates thus prepared by the several committees are submitted to the Committee on Finance, which supervises the work of drawing up the estimate for presentation to the Board and to the fiscal authorities. The function of the Committee on Finance with respect to the preparation of the estimate is laid down in the by-laws, which declare<sup>1</sup> that the committee "shall consider and submit to the Board of Education all requests whatsoever upon the financial officers of the city for funds for educational purposes including the annual departmental estimate required by law, and all such requests for funds must first be approved and recommended by the Committee on Finance."

The intent of this provision of the by-laws would seem to be that the function of the Committee should not be merely clerical or perfunctory, but should be exercised in a real consideration of the propriety of the estimates submitted. Thus, the several officers of the Board, particularly those in charge of special educational or semi-educational activities, might submit to the Committee on Finance, with the approval of the several committees entrusted with their supervision, estimates involving considerable expansion of those activities, requiring such large additional expenditures as to bring the total educational estimate up to a figure which, in view of the existing state of the municipal finances, it might plainly be seen would be considered by the financial authorities of the city as too high. The Committee on Fi-

<sup>1</sup> Section 15, subd. 2.

nance, it is apparently contemplated by the by-laws, would then be charged with the responsibility of carefully examining all the separate estimates submitted, with a view to eliminating those portions of them which called for expenditures which seemed relatively less necessary or justifiable—to perform, in short, for the Department of Education the same work of adjustment and apportionment as is performed for the city as a whole by the Board of Estimate and Apportionment.

While we are not prepared to say that the estimates submitted by the Department of Education for the years 1911, 1912 and 1913 particularly called for the exercise, by the Committee on Finance, of this function of readjustment, we do think that the action of the Committee (in so far as the character of that action may be deduced from a reading of the Committee's minutes), has hardly, if at all, been calculated even to reveal whether or not readjustment was called for.

Conversation with the fiscal officers of the Board has further confirmed the impression that the Committee on Finance does not, or at least in the past has not, conceived it to be its function to revise or amend in any way the estimates received by it from the several committees having in charge the separate activities or channels of expenditure of the Board, except in such obvious cases as one that arose in the preparation of the 1912 estimate, where estimates submitted by different officers of the Board in connection with the same kind of schools varied widely in the figures for the past year taken as a basis for the estimate.

In the preceding section of this report, it was pointed out that the Board as a whole exercises virtually no revisory control over the budget estimate, approving it without any material change as presented by the Committee on Finance. Inasmuch, however, as that Committee itself, to all appearance at any rate, also fails completely to attempt any revisory action, the conclusion seems fully warranted that the budget estimates of the Board of Education *when presented to the Board of Estimate and Apportionment have not yet passed through the hands of any single authority prepared to consider impartially the claims for recognition of the several distinct branches of educational or semi-educational activity involved, but are really the estimates not of the Department of Education, but of the six or seven distinct committees of the Board which are charged with the supervision of one of those activities.*

If the view presented of the function of the Committee on Finance as conceived by the by-laws is correct, there exists an occasion upon which the activity of the Committee on Finance is still more unmistakably called for than in the preparation of the annual departmental estimate.

Special revenue bonds, both from their nature and in the contemplation of the Charter, should be issued only for emergency purposes, and not for any purpose which could reasonably have been foreseen at the time of the preparation of the annual estimate. It follows as of

course, therefore, that the Committee on Finance should carefully scrutinize all requests referred to it from other committees to ascertain whether such emergency actually does exist. An examination of the committee minutes indicates rather conclusively, however, that even here it does not deem its function other than a perfunctory or formal one. The total absence of deliberative consideration previous to the passage by the Board of Education of the special revenue bond salary estimate of 1911 has been commented on in the preceding chapter of this part.<sup>1</sup> We find, however, that even the Committee on Finance gave no consideration whatever to this most unusual estimate, merely directing the auditor to put the estimate in form suitable for presentation to the fiscal authorities of the city.

The methods used in the preparation of estimates for corporate stock required for the acquisition of sites and the construction of new buildings, have been described in some detail elsewhere in this report.<sup>2</sup> Here it need only be pointed out that the Committee on Buildings, which now has charge of the preparation of requests for corporate stock,<sup>3</sup> is not provided with any definite administrative office to assist it in arriving at its decisions. The information upon which it acts comes from a variety of sources, chief among which are the Board of Superintendents, the Local School Boards, the several school committees, and (though the Committee appears never to have made much use of this source), the Permanent Census Board. None of these authorities is, however, under the jurisdiction or supervision of the Committee to the slightest extent, and the Committee is therefore without any effective means of shaping or developing the methods pursued by these functionaries in securing the data or in arriving at the recommendations presented. There is thus presented a most illuminating spectacle. While all the administrative committees of the Board, at least on the business side, are vested with and actually exercise complete control over the functionaries under their charge even in matters of the most insignificant detail, one of the most important of the legislative committees of the Board (for in the formulation of the Board's policies of site acquisition and building construction the Committee on Buildings is doing legislative work of high importance) is seen to be powerless to secure the conditions fundamental to any reasonable exercise of its functions.

On the basis of the facts just presented the statement seems justified that the control exercised by the Board through its committees over its requests for funds is imperfect; that the annual departmental Estimate does not receive, prior to its presentation to the Board of Estimate, any careful consideration at the hands of an impartial authority charged

<sup>1</sup> See page 154, *supra*.

<sup>2</sup> See Part I, Chapter IV.

<sup>3</sup> The Committee on Sites has lost virtually all authority in this matter since the adoption in 1911 by the Board of Estimate of the policy of requesting annual corporate stock estimates.

with the responsibility of viewing it in the interest of the entire educational system, rather than of some special branch thereof; that the consideration of requests for special revenue bonds is similarly defective; and that no adequate control has been exerted over the methods used in the collection and analysis of the data used as the basis of requests for corporate stock.

It is thus seen that in several of its most important aspects the legislative work entrusted to the committees has been performed by them neither with thoroughness nor efficiency.

Even did all the committees, however, exercise with the utmost care and deliberation the legislative powers vested in them, not a few of them would still find relatively little with which to occupy their time; since the Board has provided for fourteen committees the amount of legislative business which can come before any one of them is necessarily very limited. Unless therefore a committee is content with merely intermittent or sporadic activity it must find business with which to occupy itself in fields other than legislative.

#### **b. Inspectorial functions**

The conditions which were, in a preceding chapter, considered to limit the efficiency of the Board of Education in its work of investigation and appraisal, apply with almost equal force to its several school committees. In the first place, no committee has a right of its own motion to conduct an investigation (except perhaps into some minor matter of routine specifically entrusted to it by the by-laws), but must secure authorization from the Board. In the second place, in endeavoring to appraise the work being done in the schools under its jurisdiction, the committee lacks the assistance of competent, i. e., professional and yet impartial observers. Its members must rely for their information either upon personal observation, necessarily so limited as to be almost worthless, or upon the reports of educational officers of the Board whose work is itself, to a very large extent, the subject of appraisal.

As above pointed out, the legislative work which falls to the lot of any single committee is necessarily very limited in amount. The inspectorial work of the school committees, however, largely, doubtless, as a result of the limitations just discussed, has also been almost negligible in quantity. As a result, the committees have sought other branches of work upon which to exercise their activity. They have found such work, it would seem from the succeeding section, in the performance of petty administrative routine.



**c. Administrative functions**

1. Control over personnel.
2. Control over administration.

**1. Control over Personnel****a. Non-educational employees.**

1. *Appointment.*—In a foregoing section of this report it was pointed out that the Board of Education acts in full meeting upon the appointment of every non-educational employee of the Board, from highest to lowest; and in view of the fact that such appointment is in the case of all but the chief officers of the Board and their deputies made from eligible lists prepared by the Municipal Civil Service Commission (leaving to the Board the option only of selecting one of three names certified), it was urged that the action of the full Board is unnecessary, and should therefore, be abandoned in favor of action merely by an appropriate committee or executive officer. In view of the totally perfunctory character of the Board's action in these matters, however, it may be said that appointments are now made by the several committees—being made by the Buildings, Finance and Care of Buildings and Special Schools<sup>1</sup> committees for the services under their several jurisdictions,<sup>2</sup> and by the Committee on Supplies for all other non-educational employees of the Board.<sup>3</sup>

While the power of appointment is thus vested in the committees, it is in almost all cases actually exercised by the bureau chief concerned. The Committee on Care of Buildings appears to be the only one of the committees mentioned which makes a practice of summoning for inspection by the committee one or more of the eligibles certified by the Municipal Civil Service Commission. The other committees leave such inspection, if had at all, to the bureau chief, and almost invariably accept his recommendation.

Whatever the practice, however, no good reason is apparent why the exercise of the slight discretion in appointing employees permitted by the civil service regulations may not in this department, as in all other city departments, be vested fully in the several bureau chiefs concerned. The intervention of commissioners, unfamiliar with the exact nature of the work required of the particular candidate for appointment, and incapacitated through lack of time from making a thorough-

<sup>1</sup> The non-educational employees of the Truant, Parental and Disciplinary schools and all attendance officers (who, however, are nominated by the City Superintendent) are appointed on recommendation of the Committee on Special Schools.

<sup>2</sup> Subject, however, in the case of all office employees of those bureaus to the approval of the Committee on Supplies—an approval apparently wholly perfunctory.

<sup>3</sup> Including all employees of the Bureau of Supplies, and in the offices of the Secretary, City Superintendent (including the offices of Associate Superintendents, Examiners, Directors of Special Branches and District Superintendents) and Supervisor of Lectures.



going examination of his qualifications, can, we submit, have little, if any, effect for good. On the other hand, it may very conceivably encourage in the conduct of the department "wire pulling" and other forms of pernicious activity.

It may perhaps be urged that in the selection of janitors, inasmuch as the fitness of the candidate for the position is determined no less by his personal reliability and general workmanlikeness of manner than by his technical knowledge, the judgment of the Committee on Care of Buildings may properly be invoked as auxiliary to the technical judgment of the Supervisor of Janitors.<sup>1</sup> Even if this be admitted, however, there seems no justification for any committee intervention with reference to the other non-educational employees of the department.

2. *Salaries.*—The same considerations apply even with more force perhaps to the methods of fixing and of increasing the salaries of such employees. Here, too, the committees have virtually the final decision. If, however, the contention above made that intervention by committees of the Board in appointments is without justification, still more unjustifiable would seem to be that intervention in the matter of salary increases. The only employees of the Board with whose work the members of the Board have any opportunity of becoming familiar are the clerks of the several committees. With respect to all other employees of the Board, the committee of the particular bureau is compelled to take the word of the bureau chief.

Most strikingly is this the case with the Committee on Supplies, which is vested with full power over the salary increases of almost a hundred employees with whom it has no other connection whatever. Here again then the investment of the committees with power would seem to serve no good purpose, and may, in fact, in case a committee should choose, as it may, to recommend to the Board an increase of which the bureau chief has refused to approve, become an influence inimical to the preservation of discipline, good order and subordination.

3. *Removal and Discipline.*—The power of removing employees of the Board is by the Charter<sup>2</sup> specifically vested in the Board, to be exercised by it only by a vote of three-quarters of its members. The consideration by the Board, either in full session or by committee, of charges of neglect of duty, etc., preferred against the employees of the Board by their bureau chiefs is therefore virtually made mandatory by the Charter, though upon general considerations there would seem no good reason why so elaborate a protection of the employee against unjust removal should be any more necessary in the Department of Education than in any other city department.

The function is also exercised by the several business committees of imposing disciplinary punishments less serious than removal, upon the employees under their jurisdiction. The Committees on Care of

<sup>1</sup> It is pertinent to note that under present practice the opinion of the Supervisor of Janitors is not called for.

<sup>2</sup> Sec. 1067.

Buildings and on Buildings are specifically empowered by the by-laws to hear answers to charges, and to impose limited fines<sup>1</sup> upon the employees coming under their several bureaus, though no reason is apparent for the investment of these committees with the power mentioned any more than the Supplies or Finance Committees. The propriety of the exercise of disciplinary powers by these committees is doubtless a question upon which there is ample room for difference in opinion; and any answer must necessarily be a compromise between considerations of administrative efficiency and complete protection of the rights of the individual employee. Any considerations, however, which may be advanced to justify the failure to provide the bureau chief with disciplinary powers can be valid, it is believed, only with reference to very grave breaches of order involving a correspondingly heavy penalty. Under the present practice, however, even breaches of minor character frequently receive the attention of a committee.<sup>2</sup>

Finally, in relation to the control of committees over the administrative personnel, it may be mentioned that excuses of absence with pay, leaves of absence with or without pay and arrangements for the annual vacations of employees all come before the several committees for action. While this class of matters is of slight importance, it is doubtless true of it, as of the other matters discussed, that where the committee accepts the recommendation of the bureau chief (as it almost invariably does) its action is superfluous; and that where it rejects it, its action is probably unwarranted.

In general, then, it may be said that as compared with similar officials in other departments, the bureau chiefs of the Department of Education are severely limited in their powers of discipline (through either reward or punishment) over their subordinates, and to some extent, are limited even in their powers of selection, because of the intervention of committees of the Board. To us the statement seems clearly warranted that such committee interference is without justification in any principles of administrative or business efficiency. At any rate it must be admitted that if the methods here described are based upon

<sup>1</sup> In case of janitors not more than five days' pay; in case of employees in the Bureau of Buildings not more than a week's pay.

<sup>2</sup> The Committee on Care of Buildings particularly, appears to take cognizance of extremely trivial derelictions of duty on the part of janitors. The function of the Supervisor of Janitors (for whose supervisory functions, it may be here remarked, one may search in vain the By-Laws of the Board) seems to be chiefly the registration of complaints against janitors received by him through his inspectors and from other sources, and the presentation of them to the Committee on Care of Buildings for action. Even the most trifling matters, such as the failure of a janitor to display the national colors on the roof of the school on a particular day, are referred by the Supervisor to the Committee. No argument is necessary to prove, we believe, that a greater sense of responsibility, as well as a greater promptness in administration, and in the correction of minor abuses, would result from the investment of the Supervisor of Janitors with definite supervisory, and perhaps even minor disciplinary power, leaving for the consideration of the committee only delinquencies of a serious character. For an instance of the delay and inefficiency ensuing from this system of discipline by committee, see p. 186 *infra*.

sound considerations of policy, the methods obtaining in all the other city departments for performing exactly the same kind of business must be radically wrong. We fail to perceive any relevant distinction between a draughtsman in the Department of Education and a draughtsman in the Department of Bridges.

(b) Educational Employees

As in the business services of the Board, appointments to all positions in the educational service pass through the hands of the appropriate educational committee (except that of lecturers, whose selection is by the Charter vested in the Supervisor of Lectures). The action of these committees appears to us to have even less justification than that of the business committees inasmuch as with reference to the educational positions the committees have not even the option of selecting one of the three highest candidates on the eligible list since the right of selection is vested in the Board of Superintendents. The only action that a committee can possibly take is therefore the rejection of a nomination made by the Board of Superintendents. The committee cannot possibly, however, with reference to the great bulk of appointees, interview or otherwise examine into the fitness of the nominees, even if there should be any good reason for its doing so. There exist, therefore, only two cases in which the nomination made by the Board of Superintendents can with any show of reason be justified, namely, if the Board of Superintendents has passed over the names of the two highest on an eligible list for a reason which seems to the committee unwarranted (an action which as a matter of practice is never taken by the Board of Superintendents, which passes a name only at the wish, expressed or assumed, of the eligible), or if the nomination has been made without the previous preparation of an eligible list, a procedure which is followed only in the case of nomination of district superintendents, directors of special branches and principals of high schools. It would seem, then, that every useful purpose would be served if the Board of Superintendents submitted its nominations directly to the Board except in the two classes of cases mentioned.

The submission to the committee of promotions, (also made from eligible lists) and of transfers from one district to another seems to us equally useless; as is also we think the action taken by those committees on the retirement of superannuated teachers.

The committees are also called not infrequently to pass upon applications made by teachers for excuse of absence with pay, or for leave of absence with or without pay in cases not covered by the By-Laws. While some of these cases involve legislative considerations and are therefore proper subjects for consideration by the committee and by the Board, examination shows that far the larger part of them (and they numbered ninety in 1911), fall into a very few classes to meet which additional by-laws could readily be drafted under which the



Board of Superintendents would be employed to deal finally with these cases.

The only function of real importance which the educational committees exercise with reference to the personnel of the educational employees of the Board is that of conducting trials of charges preferred against such employees (in accordance with Section 1093 of the Charter) by a local school board or a member thereof, the City Superintendent or an associate or a district superintendent "for gross misconduct, insubordination, neglect of duty or general inefficiency." In trying these charges all testimony must be taken under oath, and the committee is authorized by the Charter to invoke the assistance of the Supreme Court to compel the attendance of witnesses if necessary.

In the exercise of this function the committees without doubt act with great deliberation and impartiality, and this function is an effective check against any possible attempt on the part of the supervisory officers of the Board to rid themselves of a member of the teaching staff obnoxious to them for reasons not connected with the good of the service by the preferment of unwarranted charges. Whether the possibility of such an attempt is sufficiently real to compensate for the impairment of effective supervisory control which the necessity for the preferment of formal charges before what is virtually a judicial body must necessarily induce, is a difficult question, and one to which no categorical answer can be given. As at present exercised, however, this power is without question one of those least open to criticism of all the functions now performed by the committees.<sup>1</sup>

## 2. Control over Administration

The control exercised by each of the committees over the conduct of business in the branch of business or educational administration under its charge springs partly from by-law provisions conferring authority upon the committee in particular matters and partly from the practice developed by the committee under the general power of supervision conferred upon it by the by-laws. A review in some detail of the functions exercised by the several committees under both these specific and general grants of authority is essential to a proper estimate of the wisdom of their investment and the efficiency of their exercise.

<sup>1</sup> The Committee on Elementary Schools, the most important of the School Committees, has recently been endeavoring to put a stop to the practice, which had been alleged to be prevalent among the teachers of the elementary schools, of remaining on the pay-rolls unwarrantably when not in service for the purpose of securing payment for Saturdays, Sundays, holidays and vacations. The committee has summoned to appear at each meeting a number of teachers who have been absent for long periods. A reading of the minutes of the Committee covering the meetings in question conveys the impression, however, that the Committee's action is considerably less effective than would be the action of one of the higher supervisory officers of the Board.

The Committee on Elementary Schools appears to function also, though to a very limited extent, as an agency for the collection of debts owed by members of the teaching force to tradesmen, landlords, etc.

(a) **Business administration**

1. *Committee on Buildings.*—The intervention of the Committee on Buildings is required at every important administrative step in the construction and equipment of a school building.<sup>1</sup> To begin with, it is now this committee which reviews the recommendations made by the Board of Superintendents or the City Superintendent as to the need of new buildings and, upon the basis of these recommendations, decides, subject to the approval of the Board, in what localities new buildings shall be constructed when funds become available.<sup>2</sup>

When funds for several buildings become available at the same time, it decides which of them shall first be constructed. It approves, subject to the final approval of the Board, the plans prepared by the Superintendent of School Buildings, authorizes him to advertise for bids, awards the contract to the lowest bidder or rejects all bids (in both cases subject to the purely perfunctory ratification of the Board). In the handling of the tremendous amount of repair work continually being done in the schools, the Committee is empowered to authorize expenditures of sums less than \$1,000 without reference to the Board, and, should it deem necessary, without advertising for bids (merely endeavoring to obtain five bids). The Superintendent himself may authorize the expenditure of sums less than \$500 without reference to the Committee, and without advertisement. In either case, if less than the full number of bids (five for amounts greater than, three for amounts less than, \$200) is received, through failure or neglect of contractors to submit bids, the Superintendent may, if he deems an emergency to exist, issue the order nevertheless, but must later secure the approval of the Committee.

After a contract has been made, the intervention of the Committee is called for in the extension of time to the contractor, or for the performance of additional work by him or in imposing penalties upon him.

In addition to these functions in connection with the award of contracts and issuance of orders, the Committee is empowered to promulgate regulations with reference to buildings and repairs, to divide the city into districts and assign inspectors to them, and "to direct the storage and disposition of unused property."

With respect to the preparation and execution of the large number of leases of premises for school purposes, moreover, the Committee is required by the by-laws to "obtain from the appropriate authorities certificates that the premises proposed to be leased for school purposes are in a satisfactory condition as to safety and sanitation."

<sup>1</sup> By-Laws, Sec. 16.

<sup>2</sup> On the whole, this decision with respect to elementary schools at least would seem to rest much more properly with the Committee on Elementary Schools, whose work brings it constantly into contact with the facts of congestion, part-time and school organization throughout the city. The primary function of the Committee on Buildings is to administer the actual construction of buildings; for the work of deciding where buildings should be constructed it has no special experience or information.



The functions of the Committee on Buildings are thus indeed multitudinous, and the amount of detail coming before it is correspondingly great, and, with the rapid growth of the school system and of the city, increasingly so. Analysis of the functions here outlined, and examination of the Committee's minutes,<sup>1</sup> however, fails to reveal that in its performance of these arduous duties, the Committee is performing any very useful function. The mass of business placed upon it with reference to the award of contracts is purely perfunctory in character, the methods of procedure being made virtually mandatory by the charter provisions.

With reference to other matters coming before it, such as the authorization of repairs, action by the Committee is a palpable absurdity. The Committee is absolutely incapacitated from exact or technical information as to the necessity or urgency of the several matters brought to its attention, and has no alternative but to accept the recommendations of the Superintendent of School Buildings or his deputies. We fail to see any good purpose that is served by committee action in these matters, while the waste of valuable time of the Superintendent and his subordinates in presenting matters to the Committee, as well as of a not inconsiderable sum of money expended in preparing the minutes of the Committee, requires no pointing out.

The only function exercised by the Committee for which we are able to see any basis in reason is its supervision over the adjustments made with contractors relative to the allowance of time and deductions and fines for failure to comply with the specifications, etc. Even here, however, the work of the Superintendent of School Buildings differs only in quantity, and not in the least in kind, from that performed by the rather irresponsible private architects in charge of building operations for the other departments; and we question very much whether the magnitude of the operations conducted by the Education Department justifies in any degree the duplication, not to say the multiplication, of work involved. Doubtless the expenditure by a single officer of so large a sum of money as that annually disbursed under the direction of the Superintendent of School Buildings should be safeguarded in some way; but we fail to see how the present routine activities of the Committee on Buildings are in the least calculated to afford such safeguard.

2. *The Committee on Finance* is authorized (By-Laws, Section 15, subd. 4 and 6) to "administer the public school teachers' retirement fund," and to "apportion to the high schools and elementary schools the money appropriated by the State from the common school library fund and from the academic fund" upon a specified basis. Beyond this, the committee seems to exercise very little supervision over the

<sup>1</sup> Two hundred copies of these are printed. They make annually a volume of about 1,000 pages.

auditor. Doubtless, the routine character of the business conducted in the Bureau of Audit furnishes little occasion for such supervision.

3. *The Committee on Supplies* is vested by the by-laws (in addition to its control over the personnel of the administrative staff of the Board above treated), with no specific powers, the by-laws simply stating (Section 17, subd. 1) that it "shall have charge of all matters relating to the purchase of all books, apparatus, stationery, fuel, and other supplies and the transportation of pupils." Under this general authority, however, the Committee, as is apparent from even a cursory examination of its minutes, takes an active part in the administration of the bureau under its charge. All bills rendered by officers or employees of the Board for necessary expenses, such as, for example, automobile hire, must come before it for approval; requests of principals for certain classes of major supplies such as typewriting machines, mimeographs, pictures, etc., and requests for the installation of telephones, also require its action; and even requests for copies of the minutes of the Board of Education or for the book of maps of local school board districts published by the Board must be submitted to it,<sup>1</sup> even when they come from officers of the Board or of other city departments. Its intervention is required in many ordinary transactions between the Bureau of Supplies and the various contractors supplying it with merchandise, an important class of which is the negotiation of rebates by the contractors because the goods furnished did not come up to specifications. It acts also on the numerous requests received from parochial and other private schools for the loan of discarded books or other supplies. It approves of assignments of payments due on contracts for furnishing supplies and in general intervenes at many points in the administration of the bureau, which it is incredible that the Superintendent of School Supplies, an official receiving a salary of \$7,000 per annum, should not be fully competent to dispose of finally.

4. *The Committee on Care of Buildings* is charged by the by-laws with the discretion of granting "permission for the use of school buildings or property" "for a public exhibition or entertainment" unless an admission fee is to be charged or a collection taken, in which case the Board itself must grant authority. It is also authorized to "make rules and regulations to secure the proper performance of the duties of the Supervisor of Janitors" and "of janitors and other employees required for the care of buildings," and "for the cleaning and disinfecting of school buildings and other property belonging to the Board"; also to prepare all schedules for the salaries of janitors. The functions of this committee beyond those just mentioned are almost wholly confined to the supervision of the personnel of the janitorial service. Such

<sup>1</sup> It may be noted here that certain other publications of the Board, as, for example, the directory of teachers, are issued from the office of the Secretary or of the City Superintendent in the discretion of almost any clerk to whom the request happens to be addressed.

other matters of detail as do arise in connection with the conduct of buildings are also acted upon by the Committee, however, no matter seemingly being too trifling to merit its attention. A cursory examination of its minutes during the first half of the year 1912 reveals that it takes cognizance even of such a matter as a request from the principal of an evening high school that she be permitted to open the door of one side of the school building rather than that on the other, or of a slight change in the apportionment of office space on one of the floors of the hall of the Board or of a request from the principal of a high school for the grant of permission to one of his pupils to keep a motorcycle in the building.

With reference furthermore, to the power specifically conferred upon it by the by-laws to grant permission for the use of school buildings, it may be noted that it passes upon requests not only of an exceptional character, such as requests from civic or political organizations, but even from principals for uses which would seem to be in the very nature of school business, such as the conduct of graduation exercises or of meetings of organizations of pupils of the schools for customary purposes. As a matter of practice such requests are almost all passed upon by the chairman of the committee.

5. *The Committee on Sites* differs from all the other business committees of the Board in that it does not supervise the work of paid employees, but itself does all the work under its jurisdiction. Its function is now to locate and select sites for school buildings after the necessity for the acquisition of a site in a particular locality has been determined on by the Board and the funds therefor obtained.<sup>1</sup>

When the necessity for the selection of a site in a particular locality arises the Committee usually refers the matter to the member or members of the Committee from the borough in which that locality is situated (the Committee being constituted with a view to having at least one member from each borough). That member or members make a personal examination of the locality and select one or more sites which they deem suitable. These are reported to the Committee which refers them to the real estate appraiser of the Finance Department for report as to their purchaseability and their value. Acting upon such report, the Committee reports to the Board a resolution designating a particular site and authorizing the Comptroller to purchase same.

The system described seems to us hardly calculated to secure the selection by the committee of the best site available. For the thoroughness of the investigation made by a member of the Sites Committee must necessarily be largely determined by the amount of time which he happens to have at his disposal. Moreover, the selection of a particular site in a particular locality is a matter requiring such expert knowledge,

<sup>1</sup> The function formerly exercised by this committee of ascertaining the need for sites has virtually been abandoned by it since 1911, when the practice of adopting corporate stock budgets annually was inaugurated.

both of school requirements and of real estate values, and such detailed study of the local conditions connected with each case that we cannot but deem it highly inappropriate that such selection should be made solely by unpaid officers giving only their spare time to the work.

That in practice selections made by the Committee on the basis of the recommendations of the individual members are not infrequently injudicious is unquestionably evidenced by the relatively large number of instances in which the Committee has recommended the rescission of the selection made by it, and the substitution of another selection upon the basis of a recommendation made to it by the real estate appraiser of the Department of Finance.

In reviewing the catalogue of functions exercised by the business committees, as above presented, we are able to find few functions, indeed, for the exercise of which, by a committee of unpaid commissioners, meeting at most weekly, and unfamiliar with the detail of the business in hand, any justification is to be found in reason or experience.

It has already been pointed out, in connection with the work of the Committee on Buildings, that all but a negligible part of its work is either routine, requiring in no case a discretion which could not safely be vested in a reliable clerk, or is of a technical or detailed character, requiring information which the Committee, through lack of time and special training, does not possess; that committee intervention in this bureau is consequently, for the most part, unnecessary and wasteful.

Without going into a similarly detailed analysis, we may state that the same general criticism seems to apply as well to the supervision exercised by the Committees on Supplies and on Care of Buildings over the several organizations under their control. Putting aside for later consideration, the actual mischief which the system of committee control in these services may work, it is condemned at this point merely because it is work performed for the performance of which no good reason can be discerned.

#### **(b) Educational administration**

(Committees on Elementary Schools, High Schools and Training Schools, Vocational Schools, Nautical Schools, Lectures, Libraries and Athletics.)

Few functions of a general administrative character are specifically vested in any of the educational committees by the by-laws. The functions assumed by the several committees under their general powers of supervision vary. The Committee on Elementary Schools appears to be consulted by the City Superintendent in matters in which neither the by-laws, nor, it would appear, any considerations of policy, demand such reference, as, for example, in the establishment of annexes or the reorganization of departments, or the particular location of certain spe-



cial activities, such as classes for anaemic children, etc. The same is true of the Committee on High Schools and Training Schools, which, in addition, exercises control over minor matters of administration peculiar to the high schools, such as granting of luncheon concessions, the regulation, frequently in some detail, of the entertainments, plays, and other public presentations given by the pupils of high schools and training schools, and the determination of the specific purposes to which the funds received from the State for the purchase of library books and apparatus in high schools, and the funds appropriated by the City for the same purpose shall be applied.

The Committee on Special Schools also meets certain special problems of administration. It approves the organization and location of the special schools decided upon by the District Superintendent in charge of them, including the termination of the services of teachers, when the classes become too small to make their continuance profitable. It may be noted in passing that the activities grouped under the term "Special Schools" are of a very heterogeneous character, embracing evening schools, evening high schools,<sup>1</sup> vacation schools, vacation playgrounds, baths, roof gardens, truant schools and parental schools, and involving also, with reference to the latter, supervision over the entire compulsory attendance service, a supervision which has considerably increased in importance since the passage, in March, 1913, of a law amending the Charter by vesting the power of enforcement of the Compulsory Attendance Law in the Board, instead of in the City Superintendent, as formerly.

The Committee on Vocational Schools and Industrial Training appears to have few functions of an executive character, doubtless because of the relatively slight development which the activity over which it has supervision has thus far attained. With the extension of vocational training, however, the opportunities for the performance of administrative routine by this committee will greatly increase. Even more rapidly, however, will increase its opportunities for important legislative work. It will be of interest to observe whether this committee will follow the older school committees in allowing its time and attention to be absorbed by routine trifles.

The administrative duties of the Executive Committee on the Nautical School are limited to authorizing the superintendent to purchase supplies, returning the entrance deposit of students (this action requiring the unanimous vote of the committee), and appointing members of the crew upon recommendation of a committee of the ship officers. The Committee on Athletics appears to have little other justification for ex-

<sup>1</sup> The evening high schools, it would seem, should more properly be placed under the supervision of the Committee on High Schools in order to secure better co-ordination between their work and that of the day high schools; and the same is probably true with respect to the evening elementary schools, a large part of whose work is supplementary to that of the day elementary schools.



istence than the granting of permission to school athletic organizations to hold athletic events outside of the school premises, and conversely to outside organizations to use school athletic facilities. The administrative functions which are supposed to take up the attention of the seven members of the Committee on Lectures and Libraries are the annual distribution of elementary school library money (a purely clerical function), the approval of the purchase of reference books for use in the library bureau, the authorization of the payment to lecturers of fees in excess of those regularly paid, the payment of traveling expenses of lecturers coming from a distance, and the approval (subject to the later approval of the Committee on Supplies) of bills for expenses in connection with the conduct of the public lectures.

Even a cursory examination of the summary of the administrative functions of the educational committees demonstrates, we think, beyond the need of much discussion, first, that, as with the business committees, these committees transact a tremendous amount of petty detail, most of it requiring no discretion, and for the rest of such a character that the members of the committees are not possessed of the information prerequisite to an intelligent exercise of discretion. Still more striking, however, is the apparent fact that some of the committees, notably those on athletics, lectures and libraries, and the nautical school have very little, if any, justification for existence. The paucity and pettiness of the functions exercised by them (for they rarely act beyond the administrative functions above detailed) warrant the conclusion that they were not created because of any manifest need for their existence, but for some other purpose, presumably to make available several additional committee chairmanships and memberships for members of the Board.

The study of the powers and functions of the several committees of the Board, above presented, warrants, we believe, the statement that the disposition of far the greater part of the administrative business coming before almost all of the committees requires either so little discretion that it could be entrusted to a reliable and intelligent clerk, or so much technical information and such detailed acquaintance with the situation involved that the committees are compelled to act solely upon the recommendation of the paid experts who devote their entire time to the acquisition of such information. To the extent to which the committees devote their time to either of these classes of matters they serve no useful functions whatever, but, on the contrary, may, in certain cases, tend to shift to the shoulders of a committee a responsibility which should properly be borne by a bureau chief.

The recommendation seems, therefore, plainly called for that immediate steps be taken to effect the relinquishment by the committees of the Board of all powers the exercise of which does not appear plainly calculated to further the efficient conduct of the department's business, and with reference to which there is no good reason evident why the

judgment of the educational or administrative chief involved should be submitted to a committee of laymen for review.

In the succeeding section this recommendation is found to receive strong support from a study of the actual operation of the committee system.

### **Section 3. The Efficiency of the Committee System**

- a. Delegation of power to single member.
- b. Power of negative action.
- c. Delay.
- d. Cumbersomeness.
- e. Coördination of action of the several committees.

The actual operations of the system of committee intervention, revealed in the minutes and files of the several committees of which examination has been made, gives evidence that, far from being merely useless, such intervention seriously impedes the efficient, economic and responsible transaction of the Department's business.

#### **a. Delegation of power to single member**

In the first place, it may be noted that, while the committees in full meeting concern themselves with innumerable trifling details of business, nevertheless, either as a matter of practice or because they find it more convenient on a particular occasion, they sometimes empower a few, or even only one of their members to take final action on matters of not inconsiderable importance. Such instances have come to our attention in connection with several of the committees. Thus, we find that, at the meeting of the Committee on High Schools, on March 18, 1912, the chairman of the Committee reported to the Committee that he had denied the requests made by the principal of a high school that a few of the pupils of his school be permitted to assist the School Art League in the presentation of a tableau, and by the director of drawing in high schools that pupils from some of the physical training classes of the city high schools be permitted to take part in the tableau. So far as we have been able to learn, this action of the chairman was purely a discretionary one, not having been based upon any resolution or authorization of the committee. At a meeting of the same committee, a few weeks later, the chairman reported that he had revoked the lunch counter concession, held at one of the high schools, and had granted permission to the general organization of the school to maintain a lunch counter.

The delegation of power by a committee to its chairman is especially common at the beginning of the summer, when, in some cases, as, for example, the case of the Committee on Supplies in the year 1912,

the committee vests the chairman with full power over all business requiring the attention of the committee. That committee, at the meeting mentioned, referred to the chairman with power the entire matter of the departmental estimate in relation to the salaries of employees for the year 1913. In this connection it should be noted that the virtual adjournment of committees for the summer takes place at exactly the time when the activities of those committees is called for in the work of preparing the annual departmental estimate.

The most striking instance which has come to our attention of the delegation of important committee business to a single individual arose in 1912, with reference to the establishment of continuation high schools for the summer of that year. The establishment of such high schools was originally recommended by the City Superintendent, in his annual report for 1911, and the Committee on High Schools had approved that recommendation, but had never presented a report voicing its approval to the Board of Education, though the insertion of provision for continuation high schools had been made in the estimate for 1912, from which it had been stricken, however, by the Board of Estimate and Apportionment. It appears that, as the summer of 1912 approached, the chairman of the Committee on Finance, who was at that time also acting chairman of the Committee on High Schools, conceived the idea of establishing continuation high schools, notwithstanding the absence of provision for them in the budget, by making use of an excess in the fund for high school teachers' salaries.

The minutes of the Committee on High Schools accordingly state that the Committee on Finance reported that there was a moderate amount available for the establishment of continuation high schools. No communication from the Committee on Finance, however, is to be found in the records of the Committee on High Schools, and we have been informed that the communication referred to was made orally by the chairman of the Committee on Finance. Acting upon this communication the Committee decided to recommend to the Board the establishment of two continuation high schools, but referred to the chairman and acting chairman (in effect, therefore, to the acting chairman), in conjunction with the City Superintendent, with power, the preparation of its report to the Board. It therefore appears that the report of the Committee, which was presented to the Board on June 12, 1912, was, to all intents and purposes, the report only of the acting chairman of the Committee, acting, moreover, upon the authority conferred upon him at a meeting at which only five of the nine members of the Committee were present. The point of this illustration is sharpened by the fact that the resolution recommending the establishment of the high schools, presented to the Board, included also specifications as to the subjects of instruction, the length of sessions, the conditions of admission, the compensation of teachers, and the size of classes, all of which were enacted by the Board in a routine manner.

**b. Power of negative action**

The by-laws of the Board require (Section 13) that every standing committee shall report to the Board of Education upon any matter regarding which a report is required by the by-laws, resolution or the practice of the Board. Upon other matters the action of any standing committee shall be final, unless disapproved or modified by the Board. The natural effect of these provisions has, of course, been to bring before the Board only affirmative actions of the committee, and it is thus perfectly possible for a committee to disapprove a very important recommendation or suggestion submitted to it by another committee or by an officer of the Board—a recommendation which perhaps the Board as a whole might highly favor.

To a certain extent, the Board has attempted to meet this difficulty. Prior to 1912, it not infrequently happened that a committee failed to report to the Board a resolution expressly referred to it by that body. By resolution of March 27, 1912,<sup>1</sup> however, the Secretary was instructed to present to the Board, at the first meeting in each month, a statement of all matters referred by the Board to any of its committees, or to the Board of Superintendents, and not yet reported upon. This provision does not, however, it will be observed, compel any committee to report a matter referred to it; and, indeed, on the statement of matters pending before committees on June 11, 1913,<sup>2</sup> we find motions referred to a committee fully a year before.

Furthermore, this provision has no reference to matters brought to the attention of a committee, not by the Board itself, as is often the case, but by a Local School Board, or an officer of the Board. Without citing particular instances, several of which are available, the statement may be made that in no small number of cases committees of the Board have taken final, adverse action on recommendations the importance of which, in respect to both content and origin, amply entitled them to consideration by the full Board.

**c. Delay**

The frequency of the meetings of the several committees is determined by the committees themselves, and not by the by-laws of the Board. In practice the Committees on Buildings, Supplies, Care of Buildings, and By-Laws meet weekly, those on Finance and on Elementary and Special Schools bi-weekly, and those on High and Vocational Schools monthly, and the remaining committees at the call of the chairman. Prior to any examination of the actual facts it must be plain that, in matters of administration, occasions must from time to time arise in which delay results from the necessity of waiting for committee action. A combination of circumstances, such as a matter coming up for consideration immediately after a committee meeting,

<sup>1</sup> Minutes, p. 525.

<sup>2</sup> Minutes, p. 891.



or the failure of the committee, for one reason or another, to hold a stated meeting, or a failure of a member having the matter in charge to appear at a meeting, necessitating the laying over of the matter to the next meeting, may delay action upon a matter for a month or six weeks, and, indeed, in the case of the committees which meet irregularly, several months. Several such instances have been noted in our examination of committee minutes.

On June 21, 1912, the Committee on Care of Buildings received from the Deputy Superintendent of School Buildings for The Bronx a communication relative to the inattention of the janitor of a school in that borough to his instructions regarding loose glass in certain parts of the building. At the meeting of the Committee, in the week following, the janitor and principal of the school appeared and were heard. The matter was then referred to the Bronx member of the Committee for report. The following week that member failed to report. Then ensued the summer vacation, during which the Committee did not meet. When it again convened, on September 6, the member for The Bronx had resigned, and the matter was consequently referred to the new Bronx member, when he should be appointed, for report. That gentleman, accordingly, the following week, exactly three months after the complaint had first been registered with the Committee, reported that he had investigated the matter and found everything in first-class condition. A system of administration under which such methods of investigating complaints of incompetency are possible can be recommended, in our view from only one standpoint—that of the incompetent complained of.

In the Committee on Finance, in 1912, no business was transacted during the months of June, July and August, because at none of the three meetings held during those months (June 11, August 14 and August 26) was there a quorum present, the absence doubtless being due to the members being away from the City on vacations.

It should be noted, moreover, that the period mentioned is exactly that in which the activity of the committee is especially required, if required anywhere, in the preparation of the annual departmental estimate.

With reference to the wholly useless formality imposed upon school principals of obtaining the consent of a committee to the use of the school building for other than purely school purposes, an instance of delay is also available. On December 4, 1912, there was presented to the Committee on High Schools a request from the principal of Erasmus Hall High School, requesting permission to use the auditorium on that very day for a special entertainment, the proceeds to be used for the general organization. The communication had been written on November 18, but no meeting of the Committee had been held until December 4. The extension of permission having thus been delayed until it was too late to be availed of, the Committee was forced to approve the request for a subsequent date.

In November, 1910, shortly after the adoption of the city budget for 1911, the Committee on Supplies decided that, in view of the size of the appropriation for supplies contained in that budget, it would be necessary to dispense with certain of the more expensive supplies used in the teaching of sewing and embroidery. The report of a subcommittee of the Committee on Supplies, embodying recommendations toward this end, was, on December 1, referred to the Committee on Studies and Text-Books, which, under the by-laws, must pass upon all changes in the supply list. That committee, however, took no action in the matter until February 16, 1911, two weeks after the opening of the spring term, and too late, therefore, for any changes decided on to be put into operation in that term, inasmuch as the subsequent action of the Board of Superintendents and of the Board of Education was also necessary. As a matter of fact, the only action taken by the Committee on Studies and Text-Books, after this delay of two and a half months, was to refer the recommendations before it to the Board of Superintendents.

A subsidiary cause of delay is also to be found in an overlapping of jurisdiction of two or more committees, resulting in an obstruction of business until the jurisdictional question is settled, or until a working agreement is reached between the coördinate powers. Thus, in the spring of 1912, action by the Board, looking toward the securing of funds for the payment of a mechanical engineer, who should endeavor to economize the use of coal by school janitors, was delayed for a number of weeks, pending the determination whether such mechanical engineer, when appointed, would be subject to the control of the Committee on Supplies (which supervises the purchase of coal), or to that of the Committee on Care of Buildings (which has supervision over janitors).

Additional analogous instances of delay, not to mention confusion and irritation, arising from such overlapping of authority, might be cited, but the faulty scheme of committee organization, out of which they arise, is merely the reflection of the scheme of administrative organization in the department; and it is, therefore, that organization, rather than the system of committee intervention, to which criticism should be directed.

#### **d. Cumbersomeness**

Entirely apart, however, from the question whether the present committee system of the Board tends to delay business to its detriment, that system stands condemned, we believe, on purely general considerations, by its excessive cumbersomeness and unwieldiness. A few random illustrations, gathered from a more or less cursory reading of the minutes of some of the committees, will enforce this contention:

(1) 1912—The Superintendent of School Supplies, having received an estimate for furnishing high school text-books, which were somewhat worn, referred to the Committee on Supplies the question

whether such worn books would be acceptable. The Committee on Supplies referred the inquiry to the Committee on High Schools, which, on deciding the estimate to be satisfactory, so reported to the Committee on Supplies, which so instructed the Superintendent of School Supplies.

(2) The Supervisor of Janitors, having been informed that the copper leader on a certain school building was continually being tampered with, in the attempt to steal the copper, so reported to the Committee on Care of Buildings, on July 5, 1912. The committee ordered the Supervisor to investigate and report to it regarding the most practical method of protecting the leader. No meeting of the committee was held until two months later, September 6, but on that date the Supervisor reported in favor of replacing the copper leader with one of galvanized iron. The Committee on Care of Buildings, however, having no power to order repairs, merely submitted the Supervisor's report to the Committee on Buildings. That Committee, in turn, referred it to the Superintendent of School Buildings, who, at the next meeting of the Committee, reported unfavorably upon the suggestion of the Supervisor of Janitors. The Committee approved his report, and so informed the Committee on Care of Buildings. It needs no pointing out that what was involved here was merely a difference of opinion upon a purely technical point, between the Supervisor of Janitors and the Superintendent of School Buildings. Unless these two officials should ignore the existence of the committees, and come to an understanding privately, it would seem that agreement between them could be reached only by a process of elimination of the successive suggestions of the Supervisor of Janitors—a process carried on between the two committees involved by means of formal communications.

(3) The Supervisor of Janitors, having decided that janitors ought to be provided with certain supplies (soap, cheesecloth and cham-*ois*), so reports to the Committee on Care of Buildings. The committee accordingly enacts a resolution requesting the Committee on Supplies to add the items mentioned to the supply list. The Committee on Supplies approves the request and instructs the Superintendent of Supplies accordingly.

(4) In the spring of 1912 some of the equipment used in teaching a class in an evening school was removed without authorization. Before this apparently simple matter was finally adjusted, a not inconsiderable correspondence ensued, participated in by the Committees on Buildings, Care of Buildings and High Schools, and the Associate Superintendents assigned to two of those committees.

(5) In 1911 the Board of Superintendents sent to a printer copy for a high school syllabus in certain subjects. After the proof had been received from the printer, however, the Board apparently changed its plans, and delayed in returning the proof to the printer. The printer finally sent a letter of inquiry regarding the matter, but, according to the practice obtaining, under which the Committee on Supplies has su-

pervision of all printing, this letter was referred to that Committee. That Committee accordingly ordered a communication to be sent to the Board of Superintendents asking for the information desired. The Board failed to answer this communication, and the Committee consequently, several months later, addressed another communication to it. Eventually the Committee obtained the desired statement from the Board of Superintendents, and duly transmitted it to the printer, not, however, before receiving a letter from him in which the inability of the average business man to appreciate the niceties of the Board's committee system is well demonstrated.

**e. Co-ordination of action of the several committees**

The by-laws of the Board have provided no special means by which the actions of the several diverse committees may be coördinated and related to each other—no clearing house wherein adjustments and correlations may be made. Each committee is assigned to watch over some particular part of the vast plant, but no office, body, or committee is provided to see to it that all parts of the organization are working in harmony and toward the same end—that they are working with as little duplication and friction as possible.

Theoretically, the Board itself should fulfill this directing function. All committee actions of importance must come before it for approval, and it may issue directions of any sort to any of its committees, or to the officers under their supervision. As has already been demonstrated, however, the size of the Board, and the methods of transacting business at present employed by it, make the exercise by it of any such supervisory or coördinating function impossible. The Executive Committee, too, it has been seen, though it was unquestionably intended by the Charter to fulfill exactly the function described, is a negligible, indeed, almost an imaginary, quantity.

The by-laws provide that the President of the Board shall, *ex-officio*, be a member of all committees, but, it is needless to state, he attends but few of their meetings, never, in any case, enough to make possible the exercise by him of any real influence in the direction of coördinating and unifying their action.

It thus appears that there exists in the Department of Education a form of organization not to be found in any other of the City's departments, a sharp division of the department into a number of separate bureaus, with no central official or body to adjust differences, secure coöperation and exercise general control. It is difficult to conceive of so enormous an organization as that of the Department of Education, in which, from time to time, differences of opinion would not arise between two or more bureau heads upon a matter which concerns them in common, the most expeditious and satisfactory method of settling which is by reference to the chief executive of the entire organization.



In the absence of any such chief executive in the Department of Education, however, the necessary adjustments and correlations can be made only by the voluntary coöperative action of the several bureau chiefs, a form of action at best unreliable and unsatisfactory from the standpoint of administration.

It has been seen, moreover, that the chiefs of the business bureaus and, though to a less extent, the educational officers, can take no step of importance without the sanction of their several committees; so that it is on the part of these bodies that coöperative action becomes necessary.

The committee system, however, militates still further against such coöperative action. In the first place, the necessity under which the committees labor of transacting business with each other by means of formal communications, and of waiting upon each other's meetings, constitutes a serious obstacle to joint action, an obstacle which is only partly removed by the opportunity afforded at the bi-weekly meetings of the Board for the chairmen of the several committees to talk things over in private.

In the second place, the committee system favors the development of a spirit of committee pride, which is opposed to the speedy and ready adjustment of differences of opinion. Under present conditions committee work is the most important of the functions fulfilled by the members of the Board; and, it is not, therefore, surprising, if a member of even an important committee, who has no means, except through the perfunctory actions taken at meetings of the Board, of coming into contact with more than a very limited portion of the business of the Department, fails to see the work of his committee in its proper perspective, and in its proper relations with the work of the other committees. The very fact, moreover, that the amount of business brought before the Board is so great as to make the action of the Board upon it a mere formality, tends greatly to exaggerate the importance and value of committee action, and to strengthen the feeling of independence, amounting almost to pride, which each committee feels in the exercise of control over its particular province.

A few examples of the feeling referred to have come to notice. The resentment displayed at a recent meeting of the Board by a member of the Committee on Sites, because a member of the Board ventured to question the wisdom of a site purchase recommended by his committee, has already been noted.<sup>1</sup> At the same meeting the Committee on Supplies presented a resolution increasing the salaries of two of the clerical employees in the office of the Supervisor of Lectures. Thereupon, the Chairman of the Committee on Lectures and Libraries arose and indignantly demanded that this resolution be referred to his committee before being acted upon by the Board. His request was acceded to, and at the next meeting of the Board his committee accordingly presented a resolution approving the recommendation of the Committee on Supplies.

<sup>1</sup> See p 151, *supra*.

Though utterly trivial, this incident was really highly illuminating; in point of fact, the Committee on Lectures had no more means at its command for ascertaining the merit of the two employees involved than had the Committee on Supplies, both committees being completely dependent for their information upon the Supervisor of Lectures; yet its chairman strongly resented the failure of the Committee on Supplies to give his committee the opportunity of placing its rubber stamp of approval upon the action taken.

The jealousy with which each committee guards its particular jurisdiction has also received several other illustrations at recent meetings of the Board. At the meeting held February 26, 1913, there occurred on the floor of the Board a rather contentious discussion between the Chairman of the Committee on Care of Buildings and the Chairman of the Committee on By-Laws, relative to the action of the latter committee in giving audience to a committee of janitor-engineers, relative to certain matters of interest to that class of employees. The action of the by-laws committee was resented by the care of buildings committee, not apparently because in itself wrong, but because it was felt to trench on the prerogatives of the latter committee. In point, in the same connection, is also the protracted dispute which took place at the Board meeting on January 8, 1913, between the Chairmen of the Committees on Finance and Elementary Schools, concerning the apparently perfectly simple and readily answerable question whether the lists of nominations to positions in the elementary schools, as submitted by the committee on those schools to the Board, did or did not indicate the name of the teacher, if any, whose place the nominee was desired to fill. The tenor of the discussion, as well as the heat with which it was conducted, conveyed the distinct impression that the two chairmen were considerably more interested in defending the wisdom or practices of their several committees, than in getting at the correct answer to the question involved—a question so simple that had the Auditor gone with it directly to the City Superintendent, instead of being obliged to present it to the Committee on Finance, he doubtless would have been able fully to settle it with that officer in a fraction of the time consumed by the chairmen of the two committees in discussing on the floor of the Board whether or not the matter required settlement.

More serious consequences of the spirit of committee independence, not to say pride, related in the foregoing incidents, arise, however, in those cases in which, in the interests of good administration, it becomes necessary for one officer of the Board to exercise control of any matters which lie chiefly in the hands of another officer, under another committee. We have in mind particularly the position of the Auditor of the Board, an officer who, we believe, in a proper conception and under a normal development of his office, should exercise an auditing control over all other divisions of the department. Our study of the position at present occupied by that officer, and the reasons therefor, as presented

at length elsewhere in this report,<sup>1</sup> has impressed us with the belief that the failure of the Auditor to assume his normal position in the Department's organization has been, to say the least, very largely due to the spirit of particularism in the several administrative branches of the Department to which the existence of the independent and coördinate committees has given rise, and which the presence in the Department of a single head, exercising control over all the administrative branches, would do much to weaken, if not to remove.

The present committee system of the Board, it would seem, has tended to disintegrate the organization of the Department by placing over each division of that organization a committee of powers coördinate with those of every other committee, and not responsible in practice to any superior; and by hedging about joint or coöperative action between two or more divisions with so large an amount of almost diplomatic formality as to militate against the development of a spirit of prompt and continuous coöperation.

The intervention of the Board's committees in routine administration is open to serious criticism, not only, as above contended, on general considerations, but because in practice it

(1) sometimes results in the perfunctory approval by the Board of a report which ostensibly has had the consideration of a committee, but which, in fact, is the work of a single individual;

(2) sometimes prevents the Board from giving consideration to a matter which should properly come before it;

(3) causes a useless duplication, or rather multiplication, of records and correspondence;

(4) entails a waste of much of the valuable time of the chief executive officers;

(5) injects an additional and often prolonged delay into the already slow-moving procedure of a city department; and

(6) makes extremely difficult coöperation between the department's several bureaus.

### Summary

1. The principle upon which the committee system of the Board of Education is grounded is that there should be a committee in charge of each particular division of the educational and business administration of the Department, regardless of whether or not the nature of the work entrusted to that division is such that the judgment of laymen is of any value in connection with it.

2. The creation of a multitude of committees has so limited the field of legislative and inspectorial business open to each of them as to compel them to seek outlets for their activity in the performance of administrative routine.

<sup>1</sup> See Part III, Ch. 2, Sec. 5.

3. Hardly any of the routine administrative duties performed by the committees is such as properly to require the intervention of committees of the Board in the slightest degree.

4. The action of the committees in these classes of matters is not only in most cases wholly unnecessary, but actually interferes with the efficient conduct of business in several ways.

In accordance with the foregoing findings our prime recommendation is that above presented, namely, that immediate steps be taken to withdraw from the jurisdiction of the several committees all matters in which their action is not plainly called for by cogent considerations of policy, leaving power to handle all such matters in the hands of the several bureau chiefs, or the City Superintendent, subject, perhaps, in certain cases, such as the promotion of employees, to the approval of the President of the Board.

This recommendation, it need hardly be pointed out, is practicable only in conjunction with the recommendation made in the preceding section of this report, that the Board itself divest itself of all functions of a routine administrative character. If the Board continues, as at present, to occupy its limited time with the performance of a mass of utterly trivial administrative acts, it will be unable to find sufficient time for the proper consideration of its legislative and inspectorial business, and will be forced to continue to approve, perfunctorily, the action of its committees on these matters.

If, however, both recommendations should be acted upon, the attention of the committees of the Board, like that of the Board itself, would be almost wholly confined to business of legislative and inspectorial character. There can be no question, however, that neither the amount nor the character of this business is such as to warrant the existence of even half as many committees as exist at present.

Moreover, the questions to be considered by the Board under the plan recommended are so obviously and indisputably the very subjects for the thorough consideration of which alone the Board is at all times superior to a single individual, that all matters connected with them should be considered in detail by all the members of the Board in full meeting. With reference to these functions, therefore, committee action, if called for at all, should be merely of a character calculated to facilitate and to elicit thorough-going consideration and discussion by the Board itself, and not to supplant or obviate such discussion, as is its effect at present.

The change in committee functions recommended, therefore, carries with it, as a logical necessity, a great reduction in the number and importance of the standing committees of the Board.

It can hardly be questioned, however, that the very large membership of the Board, numbering no less than forty-six, would constitute a very serious obstacle to the establishment of a committee system under



which committee places could be provided for only a fraction of the members; and that, if such a system should be established, it would be subject to unremitting pressure from those desirous of providing committee places for a larger number of members. The pernicious influence which a numerous membership in a parliamentary body invariably tends to exercise in the direction of needless multiplication and enlargement of committees has long been strikingly illustrated in the national legislature, and there can be little question that the utterly uncalled-for elaboration of the committee system of the Board of Education has been, in a large measure, if not indeed entirely, due to the large membership of that body.

The Charter having provided for forty-six men where but a fraction of that number were sufficient to do the work, the Board has been confronted with the necessity of providing a large amount of additional work. The solution reached has been the establishment of numerous committees of large membership but small utility. The lesson of the past would seem, therefore, to be that, whatever the other advantages of the present size of the Board, it is, and probably must continue to be, a factor inimical to the attainment of simplicity and efficiency in the Board's committee system, and, consequently, in the whole business of the Department.

## **SUMMARY OF FINDINGS; RECOMMENDATIONS**

### **Part II**

The Board of Education is at the present time acting upon a false conception of its proper powers and functions. Instead of confining itself to the larger problems of legislation and surveillance contemplated for it by the Charter and dictated to it by all considerations of efficiency, it has attempted to intervene, either as á whole, or through standing committees, in the overwhelming mass of minutiae involved in the administration of the Department.

If the purpose of this attempt has been not merely to provide activity for the members of the Board, but to enable the Board to function more efficiently as a directing and unifying agency in the administration of the Department, it has failed of its purpose; while, as a result, the legislative and regulatory effectiveness of the Board has been very seriously impaired.

Furthermore, the system of numerous special administrative committees which has developed has served few, if indeed, any useful purposes, but has, on the other hand, introduced into the administration of the Department elements of delay, cumbersomeness, disintegration and diffusion of responsibility.

It is therefore recommended:

#### **1. Functions of the Board**

That the Board take immediate steps to resume its proper position in the educational government of the City, by divesting itself of all purely administrative functions, though saving to itself the power of reviewing the action of any of the officers or committees to whom it may delegate such functions.

#### **2. Committee System**

That the present committee organization be abolished, and that in its place there be organized only such committees as are found, by experience, to be desirable for the purpose of preparing, for the real consideration of the Board, information upon matters of fundamental, legislative and inspectorial character, leaving to the paid officers and employees of the Board all purely administrative and technical matters; and that, during the continuance of the present provisions of the Charter, imposing upon the Board or its Executive Committee the performance of administrative duties, the Executive Committee be reëmpowered

to discharge those duties; with a view, however, to the eventual repeal of the charter provisions in question.

The changes above recommended involve no amendment of the Charter. They lie wholly within the power of the Board.

The change in the committee system thus recommended, however, a change of the highest and most urgent importance, is believed to be made almost impossible of accomplishment by the numerous membership of the Board. Is the exceptionally large size of the Board called for by the nature of its position or functions?

At the present time there exists an apparent necessity for the large membership of the Board in the large amount of administrative business performed by its members on its many committees. If, however, that business should, as recommended, be entrusted to the paid officers of the Board, this necessity would disappear, and justification for the numerous membership of the Board could be found only in the nature of its legislative and inspectorial work.

It is far from clear, however, that the wisdom of the Board's legislation is necessarily in direct proportion to the multitude of its counselors. The contention that a Board as large as the present is necessary for the proper representation of the diverse bodies of public opinion existing in the City will be found on examination, it is believed, to be a veiled expression of approval of the practice which has for some years been consistently followed by the appointing power, of selecting for membership at least one representative of each of the more numerous national or racial and, to some extent, economic groups, existing in the population of the city. Such special representation is, however, we believe, unnecessary to insure to any such group a just consideration by the Board of its special needs or demands, especially as the local boards are peculiarly fit for this function.

Aside, then, from the representation of special interests, there seems no reason for so numerous an educational legislature. It needs no pointing out that, in a body of the size of the Board, there almost invariably emerges a small group of members who perform almost all of its labors and are responsible for almost all of its decisions. Observation of the present Board at work does not indicate that it is a marked exception to this rule.

The considerations which, on the other hand, point to the desirability in general of a small board, whether in educational or in any other branch of government, and which, in the apparent absence of counter-vailing considerations in this case, seem to us conclusive, are too obvious to require more than mere mention. The concentration of responsibility in a few men, a greater importance and dignity of membership, and its correspondingly great attractiveness for the highest type of citizen, a far greater speed, consistency and unity of action, are results which we are convinced would be realized by a smaller Board of Educa-

tion. It is a work which can better be done by a few men than by many.

To such a reduction in the size of the Board, however, even when admitted to be urgently called for by the existing situation, the objection is urged that it would leave the Boroughs of Queens and Richmond, two distinct geographic divisions of the City, having distinct interests yet populations of only one-twentieth and one-fiftieth respectively of the total population of the City, either without any representation, or with an unjustly large representation.

Precisely the same dilemma, however, was faced by the framers of the present Charter in the organization of the Board of Estimate, which, too, it was desired should be small, yet representative of all the geographic divisions of the City. The problem was solved by the device of weighting the votes of the several borough representatives in an approximate proportion to the populations of their districts, while at the same time the possibility of interborough log-rolling was provided against by the creation of three representatives of the City at large, with votes so weighted as to outnumber the votes of the borough representatives. The success which has unquestionably attended the operation of this system of representation strongly suggests that it be applied also to the Board of Education.

We therefore recommend:

### 3. Organization of Board

That the Charter be amended by providing that the Board of Education shall consist of eight members, three of whom shall represent the City at large and shall have three votes each; and the remaining five of whom shall be appointed, one from each of the five boroughs of the City, and of whom the representatives of Manhattan and Brooklyn shall have two votes each, and the representatives of The Bronx, Queens and Richmond one vote each.

The appointment of these officers could be vested either in the Mayor, as at present, or in the Mayor and Borough Presidents jointly, the former appointing the city and the latter the borough representatives; and provision could readily be made, as at present, for the overlapping of the terms of the several members.





## VITAE.



The author of this monograph was born in the City of New York in 1888. He was graduated from the College of the City of New York in February 1910. He spent the years 1910 (February)-1911 and 1912-1913 in graduate study in public law and economics at Columbia University. In 1910 he was awarded a University Scholarship in Constitutional Law, and in 1911 the Toppan Prize in that subject. During the year 1911-1912 he was Fellow in Political Science at the University of Wisconsin. Since 1910 he has been a member of the instructing staff of the College of the City of New York, until February 1913 as teaching fellow, and since that time as tutor.

















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